THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 16, 2021

Senate called to order at 12:16 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

Lord, we give You thanks on this beautiful Friday. We pray and ask for Your blessing on our Governor, Lt. Governor, Senators, Assembly persons, staff, families and all of the others serving the people of Nevada.

God gave instructions to Moses to bless the children of Israel. These words are recorded in the Book of Numbers, Chapter 6. I pray you will be blessed. "The Lord bless you and keep you; the Lord make His face shine upon you and be gracious to you; the Lord lift up His countenance upon you and give you peace."

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 2, 27, 151, 160, 230, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 59, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 70, 168, 188, 205, 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 164, 166, 236, 366, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DONATE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 15, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 338, 362.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 8, 30, 33, 43, 51, 52, 68, 69, 71, 88, 104, 113, 130, 160, 177, 186, 190, 197, 205, 212, 215, 228, 237, 250, 261, 284, 325, 344, 394, 403, 437.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 15, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 27, 164.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro has returned to full participation in the Senate Chamber, and the use of remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate is no longer necessary.

Pursuant to Senate Standing Rule No. 134.1(a), Senate Majority Leader Cannizzaro has authorized Senators Buck, Hammond and Pickard to use remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

Senator Cannizzaro moved that Senate Bills Nos. 5, 6 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 57 be taken from the General File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 8.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 30.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 33.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 43.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 51.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 52.
Senator Ratti moved that the bill be referred to the Committee on Natural Resources.
Motion carried.

Assembly Bill No. 68.
Senator Ratti moved that the bill be referred to the Committee on Education.
Motion carried.

Assembly Bill No. 69.
Senator Ratti moved that the bill be referred to the Committee on Revenue and Economic Development.
Motion carried.

Assembly Bill No. 71.
Senator Ratti moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Assembly Bill No. 88.
Senator Ratti moved that the bill be referred to the Committee on Education.
Motion carried.

Assembly Bill No. 104.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 113.
Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 130.
Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.
Motion carried.

Assembly Bill No. 160.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 177.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that the Assembly Bill No. 177 be referred to the Committee on Health and Human Services.

Motion carried.

Motion carried.

Assembly Bill No. 186.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 190.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 197.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 205.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 212.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 215.

Senator Ratti moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 228.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 237.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 250.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 261.

Senator Ratti moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 284.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 325.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 338.

Senator Ratti moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 344.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 362.

Senator Ratti moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 394.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 403.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 437.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time and ordered to third reading.

Assembly Bill No. 26.
Bill read second time and ordered to third reading.

Assembly Bill No. 41.
Bill read second time and ordered to third reading.

Assembly Bill No. 53.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 12.
Bill read third time.
Remarks by Senator Ratti.

Senate Bill No. 12 requires the owner of any housing that has been financed by the federal low-income housing tax credit or other money subject to affordability restrictions to provide certain written notice prior to the termination, expiration or ending of an affordability restriction. The bill requires the notice to be provided to each tenant, the Housing Division of the Department of Business and Industry and certain other persons at least 12 months before either the owner submits a request to the Division for a qualified contract or if such request is not applicable, the date upon which the affordability restriction will expire. The bill also authorizes the Division to impose an administrative penalty upon an owner who fails to provide the required notice and prohibit an owner who terminates an affordability restriction from applying for an allocation of federal low-income tax credits for a period not to exceed five years. Additionally, the bill provides that an owner of housing that will voluntarily maintain affordability restrictions after expiration of the restrictions shall provide written notice to the Division not less than 12 months before the expiration and, thereafter, submit an annual report to the Division for as long as the affordability restrictions are voluntarily maintained.

Roll call on Senate Bill No. 12:
YEAS—21.
NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 61.
Bill read third time.
Remarks by Senators Ratti and Kieckhefer.

SENATOR RATTI:

Senate Bill No. 61 makes various changes to the program for the operation of vending facilities by licensees who are blind. Among other things, the bill requires the Bureau of Services to Persons Who Are Blind or Visually Impaired in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation (DETR) to provide certain training and assistance to licensees in the program and to those who wish to become licensees. It grants the Bureau the right of first refusal on behalf of licensees with regard to operating a vending facility in or on public buildings or property. It authorizes vending facilities to be operated in or on buildings or properties of the Nevada System of Higher Education (NSHE), the Nevada State Park System, the Department of Corrections, and, under certain conditions, an airport authority or department of aviation, with the approval of the Bureau and the State agency. The bill revises timelines within which State or public entities must notify the Bureau regarding reactivation, leasing, releasing, licensing or issuing permits to operate vending facilities in or on a public building or property as well as notification related to new construction, remodeling, leasing, et cetera, of public buildings

or property. It provides for the election of the Nevada Committee of Vendors Who Are Blind. It authorizes the Bureau to enter a contract to establish a vending facility on private property through which the licensee may pay an incentive to the property owner for certain locations.

SENATOR KIECKHEFER:

I hate to speak against Senate Bill No. 61, but unfortunately, I need to do so. It is a great program, but this bill is a significant overreach by DETR in the administration of the program. Section 6, for example, gives blind vendors the exclusive right to sell lottery tickets in our State. If this were ever allowed, we would want to discuss where lottery tickets could be sold.

Section 7 is ever broader. Under the first right of refusal priority, this section allows the Department to cancel any contract with a non-blind vendor entered into by a public agency. An example would be if a State or federal building offered a space for operations to a blind vendor and no one exercised the right to that space. A nonblind vendor could then come in with a business and make the space a success. That contract would automatically be canceled by the Department if a blind vendor decided it was a profitable spot and wanted to use it. It is an overreach. This is an important program that provides opportunities to our blind community, but this bill goes too far.

Roll call on Senate Bill No. 61:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—8.

Senate Bill No. 61 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 107.

Bill read third time.

Remarks by Senators Ohrenschall and Settelmeyer.

SENATOR OHRENSCHALL:

Senate Bill No. 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 limitation 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.

The bill also requires the default statute of limitations of four years to apply to certain causes of action whose statute of limitations is not otherwise prescribed by law, regardless of whether the underlying cause of action is analogous to any other cause of action with a statute of limitations expressly prescribed by law.

SENATOR SETTELMEYER:

One of the issues that came up with Senate Bill No. 107 was the concept of tolling this until administrative remedies are over 93 days. Some of the discussion that came from businesses indicated it is an administrative remedy and they did not think they necessarily needed to worry about where the witnesses might be or what all information might be that was pertinent to an investigation of what later could actually be a wrongful termination claim. Considering we have a transient population in this State, them not knowing for that period of time and then finding a witness could be problematic. I urge my colleagues to vote "no" on this bill.

SENATOR OHRENSCHALL:

I appreciate the input of my friend from Douglas County on Senate Bill No. 107. We took that into consideration and worked with many of the stakeholders. What we have in Senate Bill No. 107 will lead to less litigation and fewer people rushing to the courthouse door because there will be an opportunity to allow for administrative remedies, whether State or federal. Most of the time these are State and include the Equal Opportunity Commission or the Nevada Equal Rights Commission. This will allow them to try to solve the problem without going to court. It seems

counterintuitive that a bill like this would lead to less litigation, but I believe it will, and I urge your support.

Roll call on Senate Bill No. 107:

YEAS—16.

NAYS—Buck, Goicoechea, Hansen, Hardy, Settelmeyer—5.

Senate Bill No. 107 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 179.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 179 makes various changes to provisions governing the practice of sign language interpreting. The bill replaces the term "certification" with the term "credentialing" in provisions governing the qualifications of sign language interpreters and realtime captioning providers. It raises credentialing requirements for K–12 educational interpreters and community interpreters. 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. It requires the Aging and Disability Services Division (ADSD) of DHHS to adopt by regulation qualifications for professional mentors of interpreters. The bill authorizes ADSD to adopt regulations establishing professional classifications of the practice of sign language interpreting that are in addition to existing statutory standards. It removes the exemption from registration requirements for persons who engage in the practice of sign language interpreting or the practice of realtime captioning solely for meetings of nonprofit civic organizations.

Finally, the bill establishes that an interpreter who is registered to practice sign language interpreting as of July 1, 2021, but does not meet the requirements established by this bill, is to be issued a provisional registration that expires on July 1, 2024.

Roll call on Senate Bill No. 179:

YEAS—21.

NAYS—None.

Senate Bill No. 179 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 284.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 284 revises various provisions governing the affordable housing tax credit program, established pursuant to Senate Bill No. 448 of the 80th Legislative Session as a four-year pilot program and administered by the Housing Division of the Department of Business and Industry.

Senate Bill No. 284 revises the procedure for the issuance of transferable tax credits so that transferable tax credits are issued before, rather than after, the project is completed. It authorizes an entity to which a project sponsor transfers transferable tax credits to transfer those tax credits to one or more of its subsidiaries or affiliates and requires the entity to notify the Housing Division of such a transfer. It removes the four-year sunset provisions originally established by S.B. 448 from the 80th Session, making the program permanent. It also clarifies that the maximum amount of tax credits that may be issued under the program remains at $40 million as established in S.B. 448 from the 80th Session.

Roll call on Senate Bill No. 284:

YEAS—21.

NAYS—None.

Senate Bill No. 284 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 359.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 359 provides that if a fire or explosion occurs as the result of the unauthorized manufacturing or compounding of a controlled substance other than marijuana, the person who has engaged in such unlawful activity is also guilty of a category C felony. Similarly, if a person unlawfully manufactures, grows, plants, cultivates, harvests, dries, propagates or processes marijuana or extracts concentrated cannabis and that activity results in a fire or explosion, the person is also guilty of a category C felony.

Roll call on Senate Bill No. 359:

YEAS—21.

NAYS—None.

Senate Bill No. 359 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 360.

Bill read third time.

Remarks by Senators Dondero Loop and Kieckhefer.

SENATOR DONDERO LOOP:

Senate Bill No. 360 makes certain changes to the appointment of members to the Board of the Public Employees Benefits Program (PEBP). The bill provides that the Governor must make appointments to the Board as follows: two NSHE professional employee members must be selected from a list of five nominees submitted by the professional organization representing the largest number of professional employees of NSHE; two persons retired from public employment must be selected from a list of five nominees submitted by the professional organization representing the largest number of retired State employees, and two persons who are classified employees must be selected from a list of ten nominees submitted by the labor organization representing the largest number of classified State employees in the Program.

SENATOR KIECKHEFER:

I have to speak against Senate Bill No. 360 for a couple of reasons. First, it is clearly a take-over of the entire PEBP Board by the State and the State Executive Branch collective bargaining units. Secondly, it removes all discretion from the Governor to make appointments to this Board which would allow the Governor to create some balance as to what he or she sees is necessary for the operations of PEBP moving forward. For those two reasons, I oppose Senate Bill No. 360, and I encourage my colleagues to do the same.

Roll call on Senate Bill No. 360:

YEAS—12.

NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Senate Bill No. 360 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 16.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 16 prohibits the State Registrar and any person or governmental organization from charging a fee for the issuance of a certified or official copy of a birth certificate or record of birth to a person who submits documentation from the Department of Corrections that the person is currently imprisoned.

Roll call on Assembly Bill No. 16:

YEAS—21.

NAYS—None.

Assembly Bill No. 16 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 56, 139, 209, 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 211, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 216.

SUMMARY—Revises provisions relating to education. (BDR 34-429)

AN ACT relating to education; revising requirements to conduct certain assessments; ~~[removing]~~ revising requirements to measure the height and weight of certain pupils; ~~[revising provisions relating to budgeting; eliminating certain reporting requirements; removing the requirement to take an examination relating to civics to graduate from high school;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district or the governing body of a charter school to develop a plan to assess the proficiency of a pupil in reading when the pupil enters kindergarten or enrolls in an elementary school. (NRS 388.157) Section 1 of this bill instead requires a pupil to take such an assessment during each grade level of elementary school as is determined to be necessary. Section 1 requires the Department of Education to prescribe by regulation procedures for assessing the development of pupils enrolled in kindergarten across early learning domains within 45 days of the start of school. Existing law requires the board of trustees of a school district and the governing body of a charter school to report certain information concerning pupils with disabilities to the Department of Education. (NRS 388.422) Section 2 of this bill removes this requirement. Existing law requires the board of trustees of a school district in certain counties to direct certain employees of a school to measure the height and weight of a representative sample of pupils in certain grades. (NRS 392.420) Section 3 of this bill ~~[removes]~~ revises this requirement ~~[.]~~ to no longer apply in grade 10 and requires a representative sample of such pupils to be measured only every other year.

~~[Existing law requires a school district to submit a tentative budget for the ensuing fiscal year to the Department of Taxation and the Department of Education on or before April 15 of each year. Existing law also requires that the board of trustees of a school district hold a public hearing on the tentative budget not sooner than the third Monday in May and not later than the last day in May of each year. (NRS 354.596) Existing law requires the board of trustees of a school district to adopt a final budget on or before June 8 of each year. (NRS 354.598) Under existing law, a school district is also required to adopt an amendment to its final budget on or before January 1 of each year after the average daily enrollment of pupils is reported for the preceding quarter. (NRS 354.598005) Section 4 of this bill requires a school district to submit a tentative budget to the Department of Taxation and the Department of Education on or before June 8 of each year. Section 4 also requires the board of trustees of a school district to hold a public hearing on the tentative budget not sooner than the third Monday in July and not later than the last day in July. Section 5 of this bill requires the board of trustees of a school district to adopt a final budget before December 31 of each year, while section 6 of this bill removes the requirement that a school district adopt an amendment to its final budget.~~

~~Section 8 of this bill eliminates the requirement in existing law that the Department of Education report to the Aging and Disability Services Division of the Department of Health and Human Services certain information relating to pupils with autism spectrum disorders. (NRS 388.451)~~

~~Section 8 also removes the requirement in existing law that pupils take an examination in civics in order to graduate from high school. (NRS 389.009)~~

~~— Section 7 of this bill makes conforming changes to remove references to repealed sections.]~~

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in an elementary school. Such a plan must include, without limitation:

(a) A program to provide intervention services and intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled. Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension strategies;

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable standards-based assessments that have been approved by the State Board by regulation ~~[:~~

~~(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in the elementary school if the pupil enrolls after that period and has not previously been assessed; and~~

~~(2) During]~~ *during* each grade level of the elementary school at which the pupil is enrolled as determined necessary;

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between licensed teachers designated as literacy specialists and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

3. The Department shall adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.

Sec. 2. NRS 388.422 is hereby amended to read as follows:

388.422 ~~[1. On or before July 1 of each year, the board of trustees of each school district and the governing body of each charter school shall report to the Department:~~

~~(a) The number of pupils enrolled in each school in the district or charter school, as applicable, during the immediately preceding school year who had an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and~~

~~(b) The disabilities with which those pupils were diagnosed.~~

~~2. On or before August 1 of each year, the Department shall compile a report of the information reported pursuant to subsection 1 and post the report on an Internet website maintained by the Department.~~

~~3.~~] The Department shall provide to each school district and charter school in this State information concerning services for children with disabilities provided by the Aging and Disability Services Division of the Department of Health and Human Services. The board of trustees of a school district or the governing body of a charter school shall ensure that the information described in this ~~[subsection]~~ *section* is provided to the parent or guardian of each pupil enrolled in the school district or charter school, as applicable, who has an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Sec. 3. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which a school nurse is responsible for providing nursing services, the school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➥ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. In addition to the requirements of subsection 1, the board of trustees of each school district in a county whose population is 100,000 or more shall direct school nurses, qualified health personnel employed pursuant to subsection 6, teachers who teach physical education or health or other licensed educational personnel who have completed training in measuring the height and weight of a pupil provided by the school district, to measure the height and

weight of a representative sample of pupils who are enrolled in grades 4 ~~[,]~~ *and* 7 ~~[and 10]~~ in the schools within the school district. The Division of Public and Behavioral Health of the Department of Health and Human Services, in consultation with the board of trustees of each school district and each local health district, as applicable, shall determine the number of pupils necessary to include in the representative sample. *The height and weight of a representative sample of pupils must be measured every other year at the same time other observations or examinations are conducted pursuant to this section.*

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, the child must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

4. ~~*[3.]*~~ A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

(b) Is repeating a grade;

(c) Has failed an examination for a visual or auditory problem during the previous school year; or

(d) Shows in any other way that the child may have such a problem.

5. ~~*[4.]*~~ The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it. Any written notice provided to the parent or guardian of a child pursuant to this subsection must include, to the extent that information is available, a list of any resources that may be available in the community to provide such medical attention, including, without limitation, resources available at no charge or at a reduced cost. If such a list is provided, the principal, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring that the pupil receives such resources.

6. ~~*[5.]*~~ In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

7. ~~*[6.]*~~ The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. Except as otherwise provided in subsection 9, the ~~*[7. The]*~~ school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if the child's parent or guardian files with the teacher a written statement objecting to the examination.

9. The school authorities are not required to provide notice to the parent or guardian of a child before measuring the child's height or weight pursuant to subsection 2 if it is not practicable to do so.

10. ~~*[8.]*~~ Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he or she is responsible for providing services to the Chief Medical Officer in the format prescribed by the Chief Medical Officer. Each such report must exclude any identifying information relating to a particular child. The Chief Medical Officer shall compile all such information the Officer receives to monitor the health status of children and shall retain the information.

11. The Division of Public and Behavioral Health of the Department of Health and Human Services shall:

(a) Compile a report relating to each region of this State for which data is collected regarding the height and weight of pupils measured pursuant to subsection 2 and reported to the Chief Medical Officer pursuant to subsection 10;

(b) Publish and disseminate the reports not later than 12 months after receiving the results of the examinations pursuant to subsection 10; and

(c) Submit a copy of the report disseminated pursuant to paragraph (b) to the superintendent of each school district located in a county whose population is 100,000 or more.

Sec. 4. ~~[NRS 354.596 is hereby amended to read as follows:~~

~~354.596 1. The officer charged by law shall prepare, or the governing body shall cause to be prepared, on appropriate forms prescribed by the Department of Taxation for the use of local governments, a tentative budget for the ensuing fiscal year. The tentative budget for the following fiscal year must be submitted to the county auditor and filed for public record and inspection in the office of:~~

~~(a) The clerk or secretary of the governing body; and~~

~~(b) The county clerk.~~

~~2. [On] *Except as otherwise provided in subsection 7, on* or before April 15, a copy of the tentative budget must be submitted [:~~

~~(a) To] *to* the Department of Taxation . [; and~~

~~(b) In the case of school districts, to the Department of Education.]~~

~~3. At the time of filing the tentative budget, the governing body shall give notice of the time and place of a public hearing on the tentative budget and shall cause a notice of the hearing to be published once in a newspaper of general circulation within the area of the local government not more than 14 nor less than 7 days before the date set for the hearing. The notice of public hearing must state:~~

~~(a) The time and place of the public hearing.~~

~~(b) That a tentative budget has been prepared in such detail and on appropriate forms as prescribed by the Department of Taxation.~~

~~(c) The places where copies of the tentative budget are on file and available for public inspection.~~

~~4. [The]~~ *Except as otherwise provided in subsection 7, the* ~~public hearing on the tentative budget must be held by the governing body not sooner than the third Monday in May and not later than the last day in May.~~

~~5. The Department of Taxation shall examine the submitted documents for compliance with law and with appropriate regulations and shall submit to the governing body at least 3 days before the public hearing a written certificate of compliance or a written notice of lack of compliance. The written notice must indicate the manner in which the submitted documents fail to comply with law or appropriate regulations.~~

~~6. Whenever the governing body receives from the Department of Taxation a notice of lack of compliance, the governing body shall forthwith proceed to amend the tentative budget to effect compliance with the law and with the appropriate regulation.~~

~~*7. On or before June 8, a school district shall submit a copy of the tentative budget to the Department of Taxation and the Department of Education. The public hearing on the tentative budget must be held by the governing body of the school district not sooner than the third Monday in July and not later than the last day in July.]*~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 354.598 is hereby amended to read as follows:~~

~~354.598 1. At the time and place advertised for public hearing, or at any time and place to which the public hearing is from time to time adjourned, the governing body shall hold a public hearing on the tentative budget, at which time interested persons must be given an opportunity to be heard.~~

~~2. At the public hearing, the governing body shall indicate changes, if any, to be made in the tentative budget and shall adopt a final budget by the favorable votes of a majority of all members of the governing body. Except as otherwise provided in this subsection, the final budget must be adopted on or before June 1 of each year. The final budgets of school districts must be adopted [on or before June 8]~~ *before December 31* ~~of each year [.]~~ *and after the average daily enrollment of pupils is reported for the immediately preceding quarter pursuant to subsection 1 of NRS 387.1223.* ~~Should the governing body fail to adopt a final budget that complies with the requirements of law and the regulations of the Committee on Local Government Finance on~~

~~or before the required date, the budget adopted and used for certification of the combined ad valorem tax rate by the Department of Taxation for the current year, adjusted as to content and rate in such a manner as the Department of Taxation may consider necessary, automatically becomes the budget for the ensuing fiscal year. When a budget has been so adopted by default, the governing body may not reconsider the budget without the express approval of the Department of Taxation. If the default budget creates a combined ad valorem tax rate in excess of the limit imposed by NRS 361.453, the Nevada Tax Commission shall adjust the budget as provided in NRS 361.4547 or 361.455.~~

~~3. The final budget must be certified by a majority of all members of the governing body, and a copy of it, together with an affidavit of proof of publication of the notice of the public hearing, must be transmitted to the Nevada Tax Commission. If a tentative budget is adopted by default as provided in subsection 2, the clerk of the governing body shall certify the budget and transmit to the Nevada Tax Commission a copy of the budget, together with an affidavit of proof of the notice of the public hearing, if that notice was published. Certified copies of the final budget must be distributed as determined by the Department of Taxation.~~

~~4. Upon the adoption of the final budget or the amendment of the budget in accordance with NRS 354.598005, the several amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.~~

~~5. No governing body may adopt any budget which appropriates for any fund any amount in excess of the budget resources of that fund.~~

~~6. If a local government makes a change in its final budget which increases the combined ad valorem tax rate, the local government shall submit the amended final budget to the county auditor within 15 days after making the change.~~] (Deleted by amendment.)

Sec. 6. ~~[NRS 354.598005 is hereby amended to read as follows:~~

~~354.598005 1. If anticipated resources actually available during a budget period exceed those estimated, a local government may augment a budget in the following manner:~~

~~(a) If it is desired to augment the appropriations of a fund to which ad valorem taxes are allocated as a source of revenue, the governing body shall, by majority vote of all members of the governing body, adopt a resolution reciting the appropriations to be augmented, and the nature of the unanticipated resources intended to be used for the augmentation. Before the adoption of the resolution, the governing body shall publish notice of its intention to act thereon in a newspaper of general circulation in the county for at least one publication. No vote may be taken upon the resolution until 3 days after the publication of the notice.~~

~~(b) If it is desired to augment the budget of any fund other than a fund described in paragraph (a) or an enterprise or internal service fund, the~~

~~governing body shall adopt, by majority vote of all members of the governing body, a resolution providing therefor at a regular meeting of the body.~~

~~2. A budget augmentation becomes effective upon delivery to the Department of Taxation of an executed copy of the resolution providing therefor.~~

~~3. Nothing in NRS 354.470 to 354.626, inclusive, precludes the amendment of a budget by increasing the total appropriation for any fiscal year to include a grant-in-aid, gift or bequest to a local unit of government which is required to be used for a specific purpose as a condition of the grant. Acceptance of such a grant and agreement to the terms imposed by the granting agency or person constitutes an appropriation to the purpose specified.~~

~~4. A local government need not file an augmented budget for an enterprise or internal service fund with the Department of Taxation but shall include the budget augmentation in the next quarterly report.~~

~~5. Budget appropriations may be transferred between functions, funds or contingency accounts in the following manner, if such a transfer does not increase the total appropriation for any fiscal year and is not in conflict with other statutory provisions:~~

~~(a) The person designated to administer the budget for a local government may transfer appropriations within any function.~~

~~(b) The person designated to administer the budget may transfer appropriations between functions or programs within a fund, if:~~

~~(1) The governing body is advised of the action at the next regular meeting; and~~

~~(2) The action is recorded in the official minutes of the meeting.~~

~~(c) Upon recommendation of the person designated to administer the budget, the governing body may authorize the transfer of appropriations between funds or from the contingency account, if:~~

~~(1) The governing body announces the transfer of appropriations at a regularly scheduled meeting and sets forth the exact amounts to be transferred and the accounts, functions, programs and funds affected;~~

~~(2) The governing body sets forth its reasons for the transfer; and~~

~~(3) The action is recorded in the official minutes of the meeting.~~

~~6. In any year in which the Legislature by law increases or decreases the revenues of a local government, and that increase or decrease was not included or anticipated in the local government's final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may, within 30 days of adjournment of the legislative session, file an amended budget with the Department of Taxation increasing or decreasing its anticipated revenues and expenditures from that contained in its final budget to the extent of the actual increase or decrease of revenues resulting from the legislative action.~~

~~7. In any year in which the Legislature enacts a law requiring an increase or decrease in expenditures of a local government, which was not anticipated or included in its final budget as adopted pursuant to NRS 354.598, the governing body of any such local government may, within 30 days of~~

~~adjournment of the legislative session, file an amended budget with the Department of Taxation providing for an increase or decrease in expenditures from that contained in its final budget to the extent of the actual amount made necessary by the legislative action.~~

~~8. An amended budget, as approved by the Department of Taxation, is the budget of the local government for the current fiscal year.~~

~~[9. On or before January 1 of each school year, each school district shall adopt an amendment to its final budget after the average daily enrollment of pupils is reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223. The amendment must reflect any adjustments necessary as a result of the report.]~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 427A.872 is hereby amended to read as follows:~~

~~427A.872 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Commission, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.~~

~~2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.~~

~~3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to NRS [388.451 and] 615.205. [Except as otherwise provided in NRS 388.451, the] *The* Division shall ensure that the information is reported in a manner which:~~

~~(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and~~

~~(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with [the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other] applicable state and federal privacy laws.~~

~~4. The Division shall prepare annually a summary of the reports submitted pursuant to NRS [388.451 and] 615.205 and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.]~~ (Deleted by amendment.)

Sec. 8. ~~[NRS 388.451 and 389.009 are hereby repealed.]~~ (Deleted by amendment.)

Sec. 9. This act becomes effective on July 1, 2021.

~~TEXT OF REPEALED SECTIONS~~

~~388.451 Pupils with autism spectrum disorder: Department required to submit annual report to Aging and Disability Services Division.~~

~~1. The Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism spectrum disorders. The information must:~~

~~(a) Be submitted in the form required by the Aging and Disability Services Division; and~~

~~(b) Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.~~

~~2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder for the purposes of reporting information pursuant to this section.~~

~~3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.~~

~~389.009 Public high school to administer certain examination concerning civics; requirements for administration of examination; pupil required to take examination as condition for graduation; waiver from examination.~~

~~1. A public high school shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security to each pupil enrolled in the public high school.~~

~~2. A public high school shall:~~

~~(a) Determine the course in which the examination will be administered;~~

~~(b) Establish the number of questions which will be included on the examination, which must not be less than 50;~~

~~(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and~~

~~(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.~~

~~3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.~~

~~4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:~~

~~(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;~~

~~(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or~~

~~(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.~~

~~5. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.]~~

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 216 to Senate Bill No. 2 keeps the civics examination as a high school graduation requirement. It continues the reporting related to pupils with autism spectrum disorders submitted by Nevada's Department of Education. The bill removes the provisions regarding the adjustment of budget timelines. It also allows the Department of Education to prescribe regulations for assessing the development of pupils enrolled in kindergarten. It continues the collection of anonymous height and weight measurements in certain large school districts. The bill revises the measurement requirements to specify that a representative sample be measured every other year and that such measurements are no longer required in grade 10.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 7.

SUMMARY—Revises various provisions relating to education. (BDR 34-326)

AN ACT relating to education; authorizing the Superintendent of Public Instruction to investigate persons subject to his or her jurisdiction; creating the

Account for Teacher Incentives and authorizing certain uses of money in the Account; repealing provisions which abolished the Teachers' School Supplies Assistance Account ; ~~[and revising the authorized uses of money in the Account;]~~ revising the membership of the Commission on Professional Standards in Education; ~~[creating additional kinds of licenses for teachers and other educational personnel;]~~ authorizing the State Board of Education to delegate authority to suspend or revoke a license to the Department of Education; revising provisions relating to the Teach Nevada Scholarship Program; revising provisions relating to the policy for parental involvement required by federal law; revising provisions relating to the Nevada Institute on Teaching and Educator Preparation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes the Superintendent of Public Instruction the educational leader for the system of K-12 public education in Nevada and establishes various duties of the Superintendent. (NRS 385.175) Existing law also authorizes the Superintendent to investigate certain persons involved with private elementary or secondary schools. (NRS 394.231) Section 1 of this bill additionally authorizes the Superintendent to investigate certain persons involved with public schools.

The Nevada Legislature has appropriated money in previous sessions for the payment of incentives for teachers who agree to teach in certain kinds of public schools in certain circumstances. (Sections 29 and 30 of Senate Bill No. 555, chapter 376, Statutes of Nevada 2019, at pages 2384-85; section 1 of Assembly Bill No. 196, chapter 488, Statutes of Nevada 2019, at page 2895) Section 4 of this bill creates the Account for Teacher Incentives to receive such appropriations and authorizes the use of money in the Account to pay such incentives.

Existing law establishes the Teachers' School Supplies Assistance Account and authorizes the money in the Account to be used to reimburse a teacher for out-of-pocket expenses incurred for necessary school supplies for the pupils instructed by the teacher or to purchase such necessary school supplies directly in certain other ways. (NRS 387.1253-387.1257) Section 6 of this bill ~~[removes the ability to use money in the Account to provide for the direct purchase of necessary school supplies, with the effect of allowing money in the Account to be used only for reimbursement of a teacher for the purchase of such supplies. Sections 5 and]~~ authorizes the Department of Education to require a school district or charter school that receives money from the Account to annually account for the money. Section 7 of this bill ~~[make conforming changes to account for the elimination of the ability to purchase necessary school supplies directly using money from the Account.]~~ prohibits a school administrator from prohibiting or requiring a teacher to purchase certain supplies for the pupils the teacher instructs. Existing law prospectively abolishes the Account on July 1, 2021, which has the effect of eliminating, as of July 1, 2021, the program that allows for a teacher to be reimbursed for

out-of-pocket expenses incurred for necessary school supplies for pupils instructed by the teacher. (Section 80 of Senate Bill No. 543, chapter 624, Statutes of Nevada 2019, at page 4253) Section 21 of this bill removes the prospective abolition of the Account, thereby allowing the program for reimbursement of teacher expenses to continue on and after July 1, 2021.

Existing law establishes the membership of the Commission on Professional Standards in Education, which is required to prescribe qualifications for the licensing of teachers, administrators and other educational personnel. Existing law requires the membership of the Commission to include the dean of the College of Education of one of the universities in the Nevada System of Higher Education or such a dean's representative. (NRS 391.011, 391.019) Section 8 of this bill additionally authorizes the Governor to appoint to this seat on the Commission the dean of the College or School of Education, as applicable, of one of the colleges in the Nevada System of Higher Education or such a dean's representative.

~~[Existing law establishes the kinds of licenses for teachers and other educational personnel, including, without limitation, licenses for teaching in a program of early childhood education or teaching pupils with disabilities or gifted and talented pupils. (NRS 391.031) Section 9 of this bill creates two additional kinds of licenses: (1) a special license which authorizes the holder to perform the duties of a paraprofessional; and (2) a special license which authorizes the holder to perform the duties of athletic coaches or administrative personnel. Sections 2, 3 and 10-12 of this bill make conforming changes relating to the licensure of paraprofessionals.]~~

Existing law authorizes the State Board of Education to suspend or revoke the license of any teacher for any cause specified by law. (NRS 391.320) Section 14 of this bill authorizes the State Board to delegate authority to suspend or revoke the license of a teacher to the Department of Education for certain causes specified by the State Board by regulation. If the State Board delegates such authority to the Department, section 14 requires the Department to: (1) publish on its Internet website a list of the causes for which it has been delegated authority to impose discipline; (2) send written notice to a licensee before imposing discipline; and (3) forward any request for a hearing resulting from discipline imposed by the Department to the Superintendent of Public Instruction to carry out the hearing. Section 13 of this bill makes a conforming change relating to the ability of the Department to impose discipline when delegated such authority. Sections 15 and 16 of this bill make conforming changes to the disciplinary hearing process relating to the ability of the Department to impose discipline when delegated such authority.

Existing law establishes the Teach Nevada Scholarship Program, which allows public or private universities, colleges and other providers of alternative licensure programs in Nevada to apply for a grant to award scholarships to certain students who, upon completion of their program of study, will become licensed to teach in Nevada and obtain an endorsement to teach English as a second language or special education. (NRS 391A.550-391A.590) Section 17

of this bill removes the requirement for a university, college or other provider offering an approved program to be located in Nevada and transfers responsibility to approve such programs from the State Board of Education to the Commission on Professional Standards in Education. Section 17 also removes the requirement for a student receiving the scholarship to agree to complete the requirements to obtain an endorsement to teach English as a second language or special education. Existing law authorizes the State Board to prioritize the awarding of grants to a university, college or other provider of an alternative licensure program that will provide a greater number of scholarships to certain groups, including, without limitation, veterans or their spouses or recipients who will be eligible to teach in subject areas for which a shortage of teachers exist. (NRS 391A.580) Section 17 adds recipients who agree to complete the requirements to obtain an endorsement to teach special education as an additional such group. If a recipient fails to complete the program for which a scholarship was awarded, existing law requires the university, college or other provider to repay any money received but not yet disbursed and up to $1,000 of any amount already disbursed to the recipient. If a recipient completes the program, the State Board is required to pay the university, college or other provider $1,000. (NRS 391A.590) Section 18 of this bill eliminates both: (1) the requirement for a university, college or other provider to repay up to $1,000 of any amount already disbursed to a recipient who fails to complete a program; and (2) the requirement for the State Board to pay $1,000 to a university, college or other provider if a recipient completes a program.

As a condition for the receipt of certain federal education funding, existing federal law requires each local educational agency to create a written policy for parent and family engagement that includes a variety of provisions. (20 U.S.C. § 6318) Existing law carries out this federal requirement by requiring the Department of Education to prescribe a form for educational involvement accords to be used by all public schools in this State and establishing the contents of the accords. (NRS 392.4575) Section 19 of this bill replaces the requirement for the Department to adopt such a form with a requirement for each public school to create a school-family compact that complies with the requirements of federal law and any guidelines issued by the Department. Section 19 also authorizes the Department to review school-family compacts for compliance.

Existing law authorizes a college or university within the Nevada System of Higher Education to apply to the State Board of Education for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation, which is required to perform certain duties to increase the number of highly qualified, licensed teachers in Nevada. (NRS 396.5185) Section 20 of this bill requires any money appropriated to the Institute to: (1) be accounted for separately; (2) not revert to the State General Fund at the end of any fiscal year; and (3) be carried forward to the next fiscal year.

Existing law requires the Department to prescribe a form for teachers in elementary schools to provide reports to parents and legal guardians of pupils including a variety of information, including, without limitation, a checklist regarding the timely completion of homework assignments by a pupil and a list of resources available within the community to assist parents and legal guardians in addressing issues identified on the checklist. (NRS 392.456) Section 22 of this bill repeals this requirement.

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

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction *:* ~~[shall:]~~

1. *Shall:*

(a) Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

~~[2.]~~ *(b)* Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

~~[3.]~~ *(c)* Organize the Department in a manner which will assure efficient operation and service.

~~[4.]~~ *(d)* Maintain liaison and coordinate activities with other state agencies performing educational functions.

~~[5.]~~ *(e)* Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

~~[6.]~~ *(f)* Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

~~[7.]~~ *(g)* Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

~~[8.]~~ *(h)* Perform such other duties as are prescribed by law.

2. May investigate, on the Superintendent's own initiative or in response to any complaint lodged with the Superintendent, any person licensed pursuant to chapter 391 of NRS subject to, or reasonably believed by the Superintendent to be subject to, his or her jurisdiction, and in connection with an investigation:

(a) Subpoena any persons, books, records or documents pertaining to the investigation.

(b) Require answers in writing under oath to questions propounded by the Superintendent.

(c) Administer an oath or affirmation to any person.

(d) Request from any other department, division, board, bureau, commission or other agency of the State, and the latter agency shall provide, any information which it possesses that may be relevant to an investigation pursuant to this subsection.

(e) Delegate authority to perform the investigative functions listed in this subsection to qualified personnel of the Department.

➥ *A subpoena issued by the Superintendent may be enforced by any district court of this State.*

Sec. 2. ~~[NRS 385A.230 is hereby amended to read as follows:~~

~~385A.230 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on teachers, other licensed educational personnel and paraprofessionals, including, without limitation:~~

~~(a) Information on the professional qualifications of teachers and other licensed educational personnel employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:~~

~~(1) The total number of:~~

~~(I) Teachers and other licensed educational personnel employed at each school;~~

~~(II) Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;~~

~~(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;~~

~~(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and~~

~~(V) Employees at each school whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system.~~

~~(2) The percentage of:~~

~~(I) Teachers and other licensed educational personnel employed by the school district who are employed at each school;~~

~~(II) Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full-time basis, as determined by the Commission on Professional Standards in Education;~~

~~(III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which~~

~~they do not meet the requirements for licensure or do not hold a required endorsement;~~

~~(IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and~~

~~(V) Employees at each school whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system.~~

~~(3) For each middle school, junior high school and high school:~~

~~(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area.~~

~~(4) For each elementary school:~~

~~(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and~~

~~(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.~~

~~(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:~~

~~(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or~~

~~(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.~~

~~(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:~~

~~(1) The number of paraprofessionals employed at the school;~~

~~(2) The number of paraprofessionals employed at the school who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M);~~

~~(3) The percentage of paraprofessionals employed by the school district who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M) who are employed at the school; and~~

~~(4) Any other information required by regulation of the State Board.~~

~~2. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 385A.440 is hereby amended to read as follows:~~

~~385A.440 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on teachers, other licensed personnel and paraprofessionals, including, without limitation:~~

~~(a) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers and other licensed educational personnel employed by the school districts and charter schools, including, without limitation:~~

~~(1) The total number of:~~

~~(I) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;~~

~~(II) Vacancies at each school district, including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education and for this State as a whole;~~

~~(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;~~

~~(IV) Teachers or other licensed educational personnel who are inexperienced, as defined by the Commission on Professional Standards in Education, employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole; and~~

~~(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system, and for this State as a whole.~~

~~(2) The percentage of:~~

~~(I) Teachers and other licensed educational personnel employed in this State who are employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;~~

~~(II) Vacancies at each school district including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education, and for this State as a whole;~~

~~(III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area in which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;~~

~~(IV) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who are inexperienced, as defined by the Commission on Professional Standards in Education, and for this State as a whole; and~~

~~(V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system, and for this State as a whole.~~

~~(3) For each middle school, junior high school and high school:~~

~~(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area.~~

~~(4) For each elementary school:~~

~~(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and~~

~~(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.~~

~~(b) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~(c) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:~~

~~(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole;~~

~~(2) The number of paraprofessional employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole;~~

~~(3) The percentage of paraprofessionals employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole; and~~

~~(4) Any other information required by regulation of the State Board.~~

~~2. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.]~~ (Deleted by amendment.)

Sec. 4. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Account for Teacher Incentives is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2. The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

must be credited to the Account. Any money remaining in the Account 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.

2. The money in the Account may only be used for the purposes specified in subsection 3 or for any other purpose, as authorized by the Legislature.

3. The money in the Account may be distributed by the Superintendent of Public Instruction to the school districts in this State to provide incentive payments to:

(a) Teachers who are newly hired to teach in a school which is not a Title I school, as defined in NRS 385A.040, or a school designated as underperforming pursuant to the statewide system of accountability for public schools;

(b) Teachers who are currently employed to teach at a public school in Nevada that is not a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools and who transfer to teach at a Title I school or a school with that designation; and

(c) Teachers who were employed to teach at a public school in Nevada that was a Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools during the immediately preceding school year and who remain employed at a Title I school or school with that designation during the succeeding school year.

4. A teacher who receives an incentive payment specified in paragraph (b) or (c) of subsection 3 during a school year remains eligible to receive such an incentive payment during subsequent school years.

5. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to this section be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources and may be used solely to pay incentive payments to teachers pursuant to this section and any regulations adopted pursuant thereto.

6. The State Board shall adopt any regulations necessary to carry out the provisions of this section.

Sec. 5. ~~[NRS 387.1253 is hereby amended to read as follows:~~

~~387.1253 1. The Teachers' School Supplies [Assistance] *Reimbursement* Account is hereby created in the State General Fund. The Department shall administer the Account.~~

~~2. The money in the Account must be invested as other money of the State is invested. All interest and income earned on the money in the Account must be credited to the Account.~~

~~3. The money in the Account must be used only for the purposes specified in NRS 387.1255 or for any other purpose authorized by the Legislature.~~

~~4. Any money remaining in the Account 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.~~

~~5. The Department may accept gifts, grants, bequests and donations from any source for deposit in the Account.]~~ (Deleted by amendment.)

Sec. 6. NRS 387.1255 is hereby amended to read as follows:

387.1255 1. On or before September 1 of each year, the Department shall determine the amount of money that is available in the Teachers' School Supplies Assistance ~~*[Reimbursement]*~~ Account created by NRS 387.1253 for distribution among all of the school districts and charter schools in this State for that fiscal year. Any such distribution must be provided to each school district and charter school based on the number of teachers employed by the school district or charter school, as applicable. To the extent that money is available, the Department shall establish the amount of disbursement or reimbursement for each teacher which must not exceed $250 per fiscal year.

2. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources. The board of trustees or the governing body, as applicable, shall

disburse money in the special revenue fund to teachers in accordance with NRS 387.1257.

3. The money in the special revenue fund must ~~*[:*~~

~~*(a) Must]*~~ be used only to :

(a) Pay for a purchase of necessary school supplies for the pupils instructed by a teacher using a purchasing card or debit card issued for this purpose to the teacher by a school;

(b) Pay the balance owed on a credit card issued to a teacher by a school to pay for a purchase of necessary school supplies for the pupils the teacher instructs;

(c) Deposit money directly into the account of a teacher maintained at a financial institution to pay for a purchase of necessary school supplies for the pupils the teacher instructs;

(d) Provide a check written to a teacher to pay for a purchase of necessary school supplies for the pupils the teacher instructs; or

(e) Reimburse ~~*[reimburse]*~~ teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct . ~~*[; and*~~

~~*(b) May not be used to pay a vendor directly for necessary school supplies purchased by teachers for the pupils they instruct.]*~~

4. If there is money remaining in the special revenue fund because one or more teachers at the school did not use the amount established for his or her disbursement or reimbursement pursuant to subsection 1, the board of trustees of a school district or the governing body of a charter school, as applicable, shall allow a teacher who has used the entire amount of his or her disbursement or reimbursement pursuant to subsection 1 to request an additional disbursement or reimbursement from the special revenue fund. The combined total amount of a disbursement or reimbursement and an additional disbursement or reimbursement for each teacher must not exceed $250 per fiscal year.

5. The board of trustees or governing body of a charter school, as applicable, shall not use money in the special revenue fund to pay any administrative costs.

6. Any money remaining in the special revenue fund at the end of a fiscal year reverts to the Teachers' School Supplies Assistance ~~*[Reimbursement]*~~ Account.

7. The Department may require each school district or charter school that receives money pursuant to subsection 1 to account for all such money annually.

Sec. 7. NRS 387.1257 is hereby amended to read as follows:

387.1257 1. The board of trustees of each school district and the governing body of each charter school that receives money pursuant to subsection 1 of NRS 387.1255 shall determine the manner in which to distribute the money to teachers in the school district or charter school, as applicable, including, without limitation, whether to authorize a school to

allow teachers to use a credit card, purchasing card or debit card connected to the special revenue fund issued to the teacher by the school to directly purchase school supplies, require a teacher to submit a request for a claim for reimbursement for out-of-pocket expenses from the special revenue fund established pursuant to NRS 387.1255 ~~[.]~~ or authorize any other manner of providing money to a teacher described in subsection 3 of NRS 387.1255 to pay for school supplies for the pupils the teacher instructs.

2. To the extent that money is available in the special revenue fund, the board of trustees or governing body, as applicable, may reimburse a teacher , or the teacher may use, up to the maximum amount determined by the Department for each teacher pursuant to NRS 387.1255 for the fiscal year.

3. If the board of trustees of a school district or the governing body of a charter school, as applicable, requires a teacher to submit a claim for reimbursement for out-of-pocket expenses to receive money from the special revenue fund, the teacher must submit such a claim no later than 2 weeks after the last day of the school year.

4. The board of trustees of a school district may enter into an agreement with the recognized employee organization representing licensed educational personnel within the school district for the purpose of obtaining assistance of the employee organization in administering the reimbursement of teachers pursuant to this section.

5. A teacher who receives money pursuant to subsection 1 to directly purchase school supplies shall repay to the special revenue fund established pursuant to NRS 387.1255 by not later than the last day of the fiscal year in which the money was received:

(a) Any amount that was not used;

(b) Any amount that was used to purchase something other than school supplies; and

(c) Any amount that exceeds the maximum amount authorized pursuant to NRS 387.1255 in any fiscal year.

6. *A teacher who uses or receives money or submits a claim for reimbursement for out-of-pocket expenses pursuant to subsection 1 may purchase any supplies for the pupils the teacher instructs that the teacher deems appropriate which satisfy the requirements of NRS 387.1251 to 387.1257, inclusive. A principal or other school administrator shall not prohibit a teacher from purchasing any supplies which satisfy the requirements of NRS 387.1251 to 387.1257, inclusive, or require a teacher to purchase any such supplies.*

7. The board of trustees of each school district and the governing body of each charter school shall adopt a policy that establishes the manner in which to account for reimbursements or disbursements of money ~~[.]~~ , as applicable, through each form of payment authorized for use by the board of trustees or the governing body, as applicable. The policy may include, without limitation, a requirement to submit receipts for any purchase of supplies with money received pursuant to subsection 1. ~~*[for which a teacher seeks reimbursement.]*~~

Sec. 8. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of eleven members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College *or School* of Education *, as applicable,* at one of the universities *or colleges* in the Nevada System of Higher Education, or a representative of one of the Colleges *or Schools* of Education *, as applicable,* nominated by such a dean for appointment by the Governor.

(d) One member who is the parent or legal guardian of a pupil enrolled in a public school.

(e) One member who has expertise and experience in the operation of a business.

(f) One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of

administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.

Sec. 9. ~~[NRS 391.031 is hereby amended to read as follows:~~

~~391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:~~

~~1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.~~

~~2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.~~

~~3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.~~

~~4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.~~

~~5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.~~

~~6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.~~

~~*7. A special license, which authorizes the holder to perform all the duties of a paraprofessional as may be prescribed by the Commission.*~~

~~*8. A special license, which authorizes the holder to perform all the duties of athletic coaching or administrative personnel as may be prescribed by the Commission, including, without limitation, a coach, assistant coach or athletic director.]~~* (Deleted by amendment.)

Sec. 10. ~~[NRS 391.094 is hereby amended to read as follows:~~

~~391.094 *1.* The [State Board] *Commission* shall prescribe by regulation [at least one examination for those] *professional standards for* paraprofessionals [who desire to satisfy the requirements prescribed by the Department] to comply with 20 U.S.C. § 6311(g)(2)(M).~~

~~*2. The Commission shall prescribe by regulation at least one examination for paraprofessionals who desire to satisfy the professional standards prescribed by the Commission pursuant to subsection 1.* The regulations must include the passing score required to demonstrate satisfaction of those requirements.~~] (Deleted by amendment.)

Sec. 11. ~~[NRS 391.100 is hereby amended to read as follows:~~

~~391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.~~

~~2. The board of trustees of a school district:~~

~~(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is employed as a paraprofessional by a school district to work in a program supported with Title I money must [possess] *satisfy* the [requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094.~~

~~(b) Shall establish policies governing the duties and performance of teacher aides.]~~ (Deleted by amendment.)

Sec. 12. ~~[NRS 391.273 is hereby amended to read as follows:~~

~~391.273 1. Except as otherwise provided in this section and except for persons who are supervised pursuant to NRS 391.096, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.~~

~~2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.~~

~~3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.~~

~~4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.~~

~~5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:~~

~~(a) The duties are within the employee's special expertise or training;~~

~~(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;~~

~~(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;~~

~~(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and~~

~~(e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.~~

~~6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:~~

~~(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and~~

~~(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.~~

~~7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the [requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.~~

~~8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:~~

~~(a) The name of the exempt employee;~~

~~(b) The specific instructional duties the exempt employee may perform;~~

~~(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and~~

~~(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.~~

~~9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.~~

~~10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.~~

~~11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:~~

~~(a) The number of days on which the violation occurred;~~

~~(b) The number of pupils in the classroom taught by the teacher's aide; and~~

~~(c) The number of dollars of adjusted base per pupil funding established for the school district pursuant to NRS 387.1214 per day.~~

~~12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The provisions of this subsection do not apply to a paraprofessional if the~~

~~[requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.~~

~~13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the [requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094.]~~ (Deleted by amendment.)

Sec. 13. NRS 391.3015 is hereby amended to read as follows:

391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:

(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;

(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and

(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.

2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.

3. The provisions of this section do not apply to an employee whose:

(a) License has been suspended or revoked by the State Board *or the Department* pursuant to NRS 391.320 to 391.361, inclusive; or

(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033.

Sec. 14. NRS 391.320 is hereby amended to read as follows:

391.320 *1.* The State Board of Education may ~~[suspend]~~ *:*

(a) Suspend or revoke the license of any teacher for any cause specified by law ~~[.]~~ *; and*

(b) Delegate authority to the Department to suspend or revoke the license of any teacher for any cause specified by the State Board by regulation pursuant to subsection 2.

2. If the State Board delegates authority to the Department pursuant to subsection 1:

(a) The State Board, by regulation, shall specify the causes for which authority to suspend or revoke the license of a teacher is delegated to the Department; and

(b) The Department shall:

(1) Publish on its Internet website a list of the causes for which the State Board has delegated authority to suspend or revoke the license of a teacher pursuant to paragraph (a);

(2) Send written notice to a licensee pursuant to NRS 391.322 before taking any action to suspend or revoke a license; and

(3) If the licensee requests a hearing pursuant to subsection 3 of NRS 391.322, forward the request to the Superintendent of Public Instruction to carry out a hearing pursuant to NRS 391.320 to 391.361, inclusive.

Sec. 15. NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district, the governing body of a charter school or the Superintendent of Public Instruction or the Superintendent's designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall send written notice of the recommendation to the person to whom the license has been issued at the address on file with the Department. *If the State Board delegates authority to the Department to suspend or revoke a license pursuant to NRS 391.320, the Department shall send written notice of intent to suspend or revoke a license to the person to whom the license has been issued at the address on file with the Department.*

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation *or intent* is based;

(b) A copy of the recommendation received by the State Board ~~[:]~~ *, if applicable;*

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction *, if notice was sent pursuant to subsection 1 by the State Board, or with the Department, if notice was sent pursuant to subsection 1 by the Department,* within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the State Board *or the*

Department, as applicable, may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license ~~[.]~~ *and the State Board has not delegated authority pursuant to NRS 391.320 to the Department to suspend or revoke a license for such a cause,* the State Board shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.

Sec. 16. NRS 391.355 is hereby amended to read as follows:

391.355 1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools or the Superintendent of Public Instruction or *an employee of the Department designated by* the ~~[Superintendent's designee]~~ *Superintendent* to bring charges, when cause exists.

3. The rules of procedure must provide that:

(a) The licensed employee, board of trustees of a school district, governing body of a charter school and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

(b) The hearing officer selected pursuant to NRS 391.322 is entitled to be reimbursed for his or her reasonable actual expenses.

(c) If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.

(d) Except as otherwise provided in paragraph (e), the State Board, licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.

(e) If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or revocation of a license pursuant to paragraph (e) or (f) of subsection 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The State Board may bill the licensed employee for such expenses.

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and

the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 17. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program ~~[in this State]~~ is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the ~~[State Board]~~ *Commission on Professional Standards in Education* and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to ~~[an approved]~~ *a* university, college or other provider of an alternative licensure program *offering a program described in subsection 1* to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board may prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(a) Are veterans or the spouses of veterans;

(b) Intend to teach in public schools in this State which have the highest shortage of teachers;

(c) Have been economically disadvantaged or belong to a racial or ethnic minority group; ~~[or]~~

(d) *Agree to complete the requirements to obtain an endorsement to teach special education; or*

(e) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if ~~[:~~

~~(a) The~~ *the* student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1 . ~~[; and~~

~~(b) The student agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive.

Sec. 18. NRS 391A.590 is hereby amended to read as follows:

391A.590 ~~[1.]~~ If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the State Board for credit to the Account ~~[:~~

~~(a) Any~~ *any* amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to NRS 391A.585 . ~~[; and~~

~~(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to NRS 391A.585 or $1,000, whichever is less.~~

~~2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to NRS 391A.580, to the extent that money is available for this purpose, the State Board shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of NRS 391A.580.]~~

Sec. 19. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. ~~[The Department shall prescribe a form for educational involvement accords to be used by all]~~ *Each* public ~~[schools]~~ *school* in this State ~~[.]~~ *shall create a school-family compact.* The ~~[educational involvement accord]~~ *school-family compact* must comply with *:* ~~[the policy:]~~

(a) ~~[For]~~ *The policy for* parental involvement required by the federal Every Student Succeeds Act of 2015, as set forth in 20 U.S.C. § 6318.

(b) ~~[For]~~ *The policy for* parental involvement and family engagement adopted by the State Board pursuant to NRS 392.457.

(c) Any guidance provided by the Department relating to the development of a school-family compact.

2. ~~[Each educational involvement accord must include, without limitation:~~

~~(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:~~

~~(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;~~

~~(2) Reviewing and checking the pupil's homework; and~~

~~(3) Contributing 5 hours of time each school year, including, without limitation, by attending school related activities, parent teacher association meetings, parent teacher conferences, volunteering at the school and chaperoning school sponsored activities.~~

~~(b) The responsibilities of a pupil in a public school, including, without limitation:~~

~~(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;~~

~~(2) Using all school equipment and property appropriately and safely;~~

~~(3) Following the directions of any adult member of the staff of the school;~~

~~(4) Completing and submitting homework in a timely manner; and~~

~~(5) Respecting himself or herself, others and all property.~~

~~(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:~~

~~(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;~~

~~(2) Maximizing the educational and social experience of each pupil;~~

~~(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and~~

~~(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.~~

~~3.]~~ Each ~~[educational involvement accord]~~ *school-family compact* must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

~~[4.]~~ *3.* The board of trustees of each school district *and the governing body of each charter school* shall adopt a policy providing for the development and distribution of the ~~[educational involvement accord.]~~ *school-family compact.* The policy adopted by a board of trustees *or governing body* must require each classroom teacher to:

(a) Distribute the ~~[educational involvement accord]~~ *school-family compact* to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the ~~[educational involvement accord.~~

~~— 5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.~~

~~— 6.]~~ *school-family compact.*

4. The Department ~~[and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.]~~ *may, at its discretion, review the school-family compact in use by any public school in this State to ensure compliance with the provisions of this section.*

Sec. 20. NRS 396.5185 is hereby amended to read as follows:

396.5185 1. A college or university within the System is eligible to apply to the State Board for a grant of money to establish the Nevada Institute on Teaching and Educator Preparation.

2. The Nevada Institute on Teaching and Educator Preparation shall:

(a) Establish a highly selective program for the education and training of teachers that:

(1) Recruits promising students pursuing teaching degrees from inside and outside this State, with priority given to students from inside this State;

(2) Upon completion of the program, makes a student eligible to obtain a license to teach pupils in a program of early childhood education, kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State;

(3) Is thorough and rigorous and provides a student with increasing professional autonomy and responsibility;

(4) Allows a student to obtain experience in schools that serve high populations of pupils with disabilities or who are at risk or have other significant needs;

(5) Provides, in a manner that is aligned to the demographics of pupils in this State, the skills and knowledge necessary to teach the diverse population of pupils in this State;

(6) Identifies opportunities for placement of students who complete the program in public schools throughout this State; and

(7) Provides instruction concerning the most contemporary and effective pedagogies, curricula, technology and behavior management techniques for teaching;

(b) Identify a target number of students to be selected for participation in the program each year, which must be not less than 25 students;

(c) Establish requirements for each person who has completed the program to serve as a mentor to future students selected for the program and collaborate with the program to build a community among students participating in the program and persons who have completed the program;

(d) Conduct innovative and extensive research concerning approaches and methods used to educate and train teachers and to teach pupils, including, without limitation, pupils with disabilities or pupils who are at risk or have other significant needs; and

(e) Continually evaluate, develop and disseminate approaches to teaching that address the variety of settings in which pupils in this State are educated.

3. The Nevada Institute on Teaching and Educator Preparation may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money, or property or service provided in kind, for carrying out the duties of the Nevada Institute on Teaching and Educator Preparation; and

(b) Support a student who is participating in the program by allocating money to the student or reimbursing the student for the costs of obtaining a teaching degree or a license to teach pupils.

4. An application to establish the Nevada Institute on Teaching and Educator Preparation pursuant to subsection 1 must demonstrate the ability of the applicant to:

(a) Meet the requirements of subsection 2;

(b) Provide additional money for the establishment and operation of the Institute that matches the grant of money awarded by the State Board; and

(c) Sustain and expand the Institute over time.

5. *Any money appropriated to the Nevada Institute on Teaching and Educator Preparation to carry out the duties of the Institute must be accounted for separately in the State General Fund. The money in the account:*

(a) Does not revert to the State General Fund at the end of any fiscal year; and

(b) Must be carried forward to the next fiscal year.

6. As used in this section, "pupil 'at risk' " has the meaning ascribed to it in NRS 388A.045.

Sec. 21. Section 80 of chapter 624, Statutes of Nevada 2019, at page 4253, is hereby amended to read as follows:

Sec. 80. NRS 387.122, 387.1245, 387.1247, ~~[387.1251, 387.1253, 387.1255, 387.1257,]~~ 387.129, 387.131, 387.133, 387.137, 387.139, 387.163, 387.193, 387.197, 387.2065, 387.2067 and 387.207 are hereby repealed.

Sec. 22. NRS 392.456 is hereby repealed.

Sec. 23. 1. This section and section 21 of this act become effective on July 1, 2021.

2. Section 18 of this act becomes effective on September 1, 2021.

3. Sections 1 to 17, inclusive, 19, 20 and 22 of this act become effective on February 1, 2022.

TEXT OF REPEALED SECTION

392.456 Form for use in elementary schools concerning status of pupil and participation of parent; restrictions on use.

1. The Department shall:

(a) Prescribe a form for use by teachers in elementary schools to provide reports to parents and legal guardians of pupils pursuant to this section;

(b) Work in consultation with the Legislative Bureau of Educational Accountability and Program Evaluation, the Nevada Association of School Boards, the Nevada Association of School Administrators, the Nevada State Education Association and the Nevada Parent Teacher Association in the development of the form; and

(c) Make the form available in electronic format for use by school districts and charter schools and, upon request, in any other manner deemed reasonable by the Department.

2. The form must include, without limitation:

(a) A notice to parents and legal guardians that parental involvement is important in ensuring the success of the academic achievement of pupils;

(b) A checklist indicating whether:

(1) The pupil completes his or her homework assignments in a timely manner;

(2) The pupil is present in the classroom when school begins each day and is present for the entire school day unless the pupil's absence is approved in accordance with NRS 392.130;

(3) The parent or legal guardian and the pupil abide by any applicable rules and policies of the school and the school district; and

(4) The pupil complies with the dress code for the school, if applicable; and

(c) A list of the resources and services available within the community to assist parents and legal guardians in addressing any issues identified on the checklist.

3. In addition to the requirements of subsection 2, the Department may prescribe additional information for inclusion on the form, including, without limitation:

(a) A report of the participation of the parent or legal guardian, including, without limitation, whether the parent or legal guardian:

(1) Completes forms and other documents that are required by the school or school district in a timely manner;

(2) Assists in carrying out a plan to improve the pupil's academic achievement, if applicable;

(3) Attends conferences between the teacher and the parent or legal guardian, if applicable; and

(4) Attends school activities.

(b) A report of whether the parent or legal guardian ensures the health and safety of the pupil, including, without limitation, whether:

(1) Current information is on file with the school that designates each person whom the school should contact if an emergency involving the pupil occurs; and

(2) Current information is on file with the school regarding the health and safety of the pupil, such as immunization records, if applicable, and any special medical needs of the pupil.

4. A teacher at an elementary school may provide the form prescribed by the Department, including the additional information prescribed pursuant to subsection 3 if the Department has prescribed such information on the form, to a parent or legal guardian of a pupil if the teacher determines that the provision of such a report would assist in improving the academic achievement of the pupil.

5. A report provided to a parent or legal guardian pursuant to this section must not be used in a manner that:

(a) Interferes unreasonably with the personal privacy of the parent or legal guardian or the pupil;

(b) Reprimands the parent or legal guardian; or

(c) Affects the grade or report of progress given to a pupil based upon the information contained in the report.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 7 to Senate Bill No. 27 removes language regarding professional standards and licenses for school paraprofessionals. It removes language concerning licenses for coaches. It preserves the Teachers' School Supplies Assistance Account and the various ways districts have selected to disburse funds to teachers in their schools. The bill clarifies that the decision regarding the purchase of school supplies is the purview of the teacher, not the school administrators. It

clarifies that investigations by the State Superintendent of public instruction are related only to licensed employees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 228.

SUMMARY—Revises provisions concerning the judicial review of decisions of the Public Utilities Commission of Nevada. (BDR 58-331)

AN ACT relating to the Public Utilities Commission of Nevada; ~~[limiting the scope of the judicial review of decisions of the Commission to final decisions in contested cases;]~~ prohibiting the filing of certain ~~[briefs]~~ memoranda in a proceeding for judicial review of a final decision of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Administrative Procedure Act, any party who is identified in an administrative proceeding as a party of record by an agency to which the Act applies and who is aggrieved by a final decision in a contested case is entitled to judicial review of the decision. (NRS 233B.130) The provisions of the Nevada Administrative Procedure Act do not apply to the judicial review of decisions of the Public Utilities Commission of Nevada. (NRS 233B.039) However, existing law entitles any party of record to a proceeding before the Commission to judicial review of a final decision of the Commission. ~~[(NRS 703.373) This bill limits the judicial review of decisions of the Commission in a manner similar to the Nevada Administrative Procedure Act. Under this bill, a person is entitled to the judicial review of a final decision of the Commission if: (1) the decision was a final decision in a contested case; and (2) the person seeking judicial review was a party of record in the contested case.]~~ Under existing law, after a petitioner seeking judicial review of a final decision of the Commission serves and files a memorandum of points and authorities, the Commission and any other respondents are required to serve and file a reply memorandum of points and authorities within 30 days. (NRS 703.373) This bill prohibits the filing of additional ~~[briefs]~~ memoranda after the Commission and any other respondents have served and filed a reply memorandum.

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

Section 1. NRS 703.373 is hereby amended to read as follows:

703.373 1. Any party of record to a proceeding ~~*[contested case]*~~ before the Commission is entitled to judicial review of the final decision ~~*[in the contested case]*~~ upon the exhaustion of all administrative remedies by the party of record seeking judicial review.

2. Proceedings for review may be instituted by filing a petition for judicial review in the District Court in and for Carson City, in and for the county in which the party of record seeking judicial review resides, or in and for the county where the act on which the proceeding is based occurred.

3. A petition for judicial review must be filed within 30 days after final action by the Commission on reconsideration or rehearing, or if the Commission takes no action on reconsideration or rehearing, within 30 days after the date on which reconsideration or rehearing is deemed denied. Copies of the petition for judicial review must be served upon the Commission and all other parties of record.

4. The Commission shall participate in the judicial review. Any party of record desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the Commission and every party within 15 days after service of the petition for judicial review.

5. Within 30 days after the service of the petition for judicial review or such time as is allowed by the court, the Commission shall transmit to the reviewing court a certified copy of the entire record of the proceeding ~~*[contested case]*~~ under review, including a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceedings.

6. A petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 30 days after the Commission gives written notice to the parties that the record of the proceeding ~~*[contested case]*~~ under review has been filed with the court.

7. The Commission and any other respondents shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities . ~~[, whereupon the]~~ *Upon* ~~*[such]*~~ *service and filing* ~~*[:]*~~ *of the reply memorandum by the Commission and any other respondents:*

(a) No further ~~*[briefs]*~~ *memoranda may be filed; and*

(b) ~~*[The action is at issue ; and the*~~

~~*(c)]*~~ *The* parties must be ready for a hearing upon 20 days' notice.

8. Judicial review of a final decision of the Commission must be:

(a) Conducted by the court without a jury; and

(b) Confined to the record.

➥ In cases concerning alleged irregularities in procedure before the Commission that are not shown in the record, the court may receive evidence concerning the irregularities.

9. The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the petitioner to show that the final decision is invalid pursuant to subsection 11.

10. All actions brought under this section have precedence over any civil action of a different nature pending in the court.

11. The court shall not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact. The court may affirm the decision of the Commission or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the Commission is:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the Commission;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

~~*[12. As used in this section, "contested case" has the meaning ascribed to it in NRS 233B.032.]*~~

Sec. 2. This act becomes effective on July 1, 2021.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 228 makes four changes to Senate Bill No. 59. It deletes the term "contested case" and reverts back to the original term "proceeding." It deletes the reference to the definition of "contested case" in chapter 233B. It changes the term "brief" to "memoranda," and it and deletes the reference to the action being at issue.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 51.

SUMMARY—Revises provisions governing mental health. (BDR 39-418)

AN ACT relating to mental health; revising provisions governing the use of chemical restraints on persons with disabilities; establishing procedures for placing a person on and releasing a person from a mental health crisis hold; revising provisions governing the emergency admission of a person to a mental health facility or hospital; revising provisions governing involuntary court-ordered admission to a mental health facility and ~~[involuntary]~~ assisted outpatient treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "chemical restraint" to mean the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. (NRS 388.476, 394.355, 433.5456, 449A.206) Existing law prescribes the conditions under which a medical facility, facility for the dependent, psychiatric hospital or psychiatric unit of a hospital or public or private school may use a chemical restraint on a

person with a disability and prohibits the use of a chemical restraint on such a person under certain circumstances. (NRS 388.473, 388.497, 394.354, 394.366, 433.5486, 433.549, 433.5503, 449A.236, 449A.245, 449A.248) Sections 2, 65, 66 and 68 of this bill redefine the term "chemical restraint" for those purposes.

Existing law uses the term "consumer" to describe persons who receive various mental health services. (Chapter 433A of NRS) Section 3.5 of this bill specifically defines that term to mean any person who voluntarily or involuntarily seeks and may benefit from certain mental health services.

Existing law authorizes an officer authorized to make arrests in this State, certain providers of health care, or the spouse, parent, adult child or legal guardian of a person alleged to be a person in a mental health crisis to apply for the emergency admission of a person alleged to be a person in a mental health crisis to a mental health facility or hospital. (NRS 433A.160) Existing law requires the release of a person admitted under an emergency admission within 72 hours after the submission of the application for emergency admission unless: (1) a petition is filed for the involuntary court-ordered admission of the person; or (2) the admission is changed to a voluntary admission. (NRS 433A.145, 433A.150, 433A.200)

Section 6 of this bill defines the term "mental health crisis hold" to mean the detention of a person alleged to be a person in a mental health crisis ~~[at a public or private mental health facility or hospital]~~ for transport to, and assessment, evaluation, intervention and treatment ~~[.]~~ at, a public or private mental health facility or hospital. Section 4 of this bill defines the term "emergency admission" to mean the involuntary admission of a person who has been placed on a mental health crisis hold to a public or private mental health facility or a hospital. Sections 9, 10 and 28-35 of this bill prescribe separate processes for the detention of a person on a mental health crisis hold and the emergency admission ~~[.]~~ of such a person. Specifically, section 30 of this bill authorizes an officer authorized to make arrests in this State or certain providers of health care to place a person alleged to be a person who is in a mental health crisis on a mental health crisis hold. Section 9 of this bill authorizes such an officer or provider of health care, certain family members , a person who is providing case management, support and supervision to a person who has been conditionally released from a mental health facility or any other person with a legitimate interest in a person alleged to be a person in a mental health crisis to petition for a court order to place a person alleged to be a person with a mental illness on a mental health crisis hold. Section 29 of this bill prescribes the conditions under which a person may be detained if the person is placed on a mental health crisis hold. Section 35 of this bill prescribes the requirements for releasing a person from a mental health crisis hold. Sections 10, 28, 31 and 32 of this bill prescribe the procedure for admitting a person to a mental health facility or hospital under an emergency admission. Sections 10, 28 and 29 require the release of a person placed on a mental health crisis hold within 72 hours after the initiation of the hold, regardless of whether

the person is admitted under an emergency admission, unless: (1) a petition is filed for the involuntary court-ordered admission of the person; or (2) the admission is changed to a voluntary admission. Sections 1, 23, 37, 40, 55, 64, 67 and 70-72 of this bill make conforming changes.

Existing law establishes a procedure for the involuntary court-ordered admission of a person to a mental health facility or a program of community-based or outpatient services. (NRS 433A.200-433A.330) Section 24 of this bill replaces the term "program of community-based or outpatient services" with the term "assisted outpatient treatment," which is defined to mean outpatient services provided pursuant to a court order to a person with a mental illness for the purpose of treating the mental illness, assisting the person to live and function in the community or prevent a relapse or deterioration. Sections 11-21 of this bill prescribe a separate process for the issuance of a court order requiring a person to receive ~~[involuntary]~~ assisted outpatient treatment. Specifically, section 11 of this bill authorizes: (1) the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services, certain providers of health care and certain persons who have an interest in a person to petition the district court to commence a proceeding for ~~[involuntary]~~ the issuance of a court order requiring assisted outpatient treatment of the person; and (2) a criminal defendant or the district attorney to make a motion to the district court to commence a proceeding for ~~[involuntary]~~ the issuance of a court order requiring assisted outpatient treatment of the defendant or the district court to commence such a proceeding on its own motion. Section 11 prescribes the criteria for determining whether a person may be ordered to receive ~~[involuntary]~~ assisted outpatient treatment. Section 13 of this bill requires certain persons who have evaluated a person who is the subject of a petition or motion for ~~[involuntary]~~ assisted outpatient treatment to submit to the court a recommended treatment plan for the person. Section 14 of this bill requires a person who is the subject of a petition or motion for ~~[involuntary]~~ assisted outpatient treatment to be represented by counsel at all stages of the proceedings. Section 18 of this bill authorizes a court to order ~~[involuntary]~~ a person to receive assisted outpatient treatment if ~~[,]~~ : (1) at the conclusion of the proceedings, there is clear and convincing evidence that the person to be treated meets the applicable criteria for the initiation or renewal of such treatment ~~[. Section 43 of this bill additionally authorizes a court to order involuntary assisted outpatient treatment if, at the conclusion of proceedings for involuntary court-ordered admission to a mental health facility, the court determines that the subject of the hearing meets those criteria. If a person who has been ordered to receive involuntary assisted outpatient treatment fails to comply with the order, section 20 of this bill authorizes certain persons to submit a petition for a court to order that the person be taken into custody to determine whether he or she is a person in a mental health crisis.]~~ ; and (2) a person professionally qualified in the field of psychiatric mental health is able to treat the person in the county where the person to receive the treatment

resides. Section 21 of this bill prescribes a procedure for renewing an order for ~~[involuntary]~~ assisted outpatient treatment. Section 23.5 of this bill revises the definition of "person professionally qualified in the field of psychiatric mental health" for purposes relating to eligibility to provide assisted outpatient treatment and certain other purposes. Sections 1, 27, ~~[36,]~~ 38, ~~[41-46, 48-54, 56-63,]~~ 41, 44, 45, 49, 51-54, 57-63, 69 and 72-75 of this bill make conforming changes.

~~[Section 25 of this bill provides that a person who is at risk of suffering severe abnormal mental, emotional or physical harm that significantly impairs judgment, reason, behavior or the capacity to recognize reality presents a substantial likelihood of serious harm to himself or herself or others for the purpose of determining whether to: (1) place the person on a mental health crisis hold; (2) order the involuntary admission of the person to a mental health facility; or (3) order the person to receive involuntary assisted outpatient treatment.]~~ Section 26 of this bill requires the Division and the Attorney General to approve all forms for the detainment, evaluation, treatment and conditional release of any person under chapter 433A of NRS and furnish the forms to the clerks of district courts in each county. Section 36 of this bill revises requirements governing a petition for involuntary court-ordered admission. Section 39 of this bill requires a person who submits such a petition to notify the court if the subject of the petition is currently admitted to a mental health facility or hospital and is transferred to another mental health facility or hospital.

Existing law: (1) requires the transfer of proceedings for the involuntary admission of a person if professionals who are qualified to examine the person are not available in the county where the petition is filed; and (2) provides that the expense of proceedings for involuntary admission are to be paid by the county where the petition is filed or, if the subject of the petition does not reside in that county, the county of the State where he or she last resided. (NRS 433A.260) Section 41.5 of this bill imposes specific requirements for the transfer of proceedings from a county where qualified professionals are not available to conduct the examination to a county where qualified professionals are available. Section 41.5 also revises requirements governing the payment of the cost of proceedings for involuntary admission to require such cost to be paid by the county in which the subject of the petition resides. Section 42 of this bill removes a requirement that the same counsel must continue to represent a person who is involuntarily admitted to a program of community-based or outpatient services until the person is unconditionally released. Section 43 of this bill provides that, once a person is involuntarily admitted to a mental health facility: (1) the admitting court is prohibited from transferring the case; and (2) the mental health facility is required to notify the court if the person is transferred. Section 50 of this bill prohibits the transfer of a consumer who has been admitted to a mental health facility or required to receive assisted outpatient treatment to another facility or provider of treatment, as applicable, unless arrangements relating to the costs of treatment

are made between the facility or provider and the consumer or the person who requested the admission or treatment.

Section 47 of this bill: (1) requires ~~[a]~~ the notification of the court ~~[hearing before]~~ when a person who has been involuntarily admitted to a mental health facility is conditionally released; ~~[and]~~ (2) revises the criteria for determining whether such a person may be conditionally released ~~[.]~~ ; and (3) authorizes the court to periodically review the terms of the conditional release. Sections ~~[22,]~~ 39 and 47 of this bill revise the procedure for admitting a person who has been conditionally released to a mental health facility or hospital when conditional release is no longer appropriate. Section 48 of this bill: (1) abolishes a requirement that an evaluation team evaluate a person who is involuntarily admitted by court order to a mental health facility or required to receive ~~[involuntary]~~ assisted outpatient treatment before the person may be unconditionally released before the expiration of the order; and (2) makes certain other minor revisions concerning unconditional release. Sections 47 and 48 impose specific requirements concerning notification of the guardian of a person who is conditionally released from a mental health facility or unconditionally released from a mental health facility or assisted outpatient treatment.

Existing law requires a court to seal all records related to the admission and treatment of any person admitted to a mental health facility or a program of community-based or outpatient services. (NRS 433A.715) Section 56 of this bill additionally requires a court to seal records governing any other proceedings conducted under chapter 433A of NRS.

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

Section 1. NRS 433.4295 is hereby amended to read as follows:

433.4295 1. Each policy board shall:

(a) Advise the Department, Division and Commission regarding:

(1) The behavioral health needs of adults and children in the behavioral health region;

(2) Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

(3) Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps;

(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

(b) Promote improvements in the delivery of behavioral health services in the behavioral health region.

(c) Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

(d) Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.

(f) To the extent feasible, track and compile data concerning *persons placed on a mental health crisis hold pursuant to NRS 433A.160,* persons admitted to mental health facilities and hospitals *under an emergency admission* pursuant to ~~[NRS 433A.145 to 433A.197, inclusive, and or]~~ *section 10 of this act, persons admitted* to mental health facilities ~~[and programs of community-based or outpatient services]~~ *under an involuntary court-ordered admission* pursuant to NRS 433A.200 to 433A.330, inclusive, *and persons ordered to receive ~~[involuntary]~~ assisted outpatient treatment pursuant to sections 11 to 21, inclusive, of this act* in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future *mental health crisis holds and* admissions.

(g) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(h) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation:

(1) The specific behavioral health needs of the behavioral health region;

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (g) of subsection 1 and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) and any conclusions that the policy board has derived from such data.

2. A report described in paragraph (h) of subsection 1 may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 2. NRS 433.5456 is hereby amended to read as follows:

433.5456 "Chemical restraint" means the administration of drugs *to a person* for the specific and exclusive purpose of controlling an acute or episodic ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less restrictive* alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs ~~[on a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or* physical ~~[, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.]~~ *condition of the person.*

Sec. 3. Chapter 433A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[4]~~ 3.5 to 22, inclusive, of this act.

Sec. 3.5. "Consumer" means any person who, whether voluntarily or involuntarily, seeks and can benefit from care, treatment and training:

1. In a public or private mental health facility or other public or private facility offering mental health services; or

2. From a person professionally qualified in the field of psychiatric mental health who provides assisted outpatient treatment.

Sec. 4. *"Emergency admission" means the involuntary admission of a person who has been placed on a mental health crisis hold to a public or private mental health facility or hospital pursuant to ~~[NRS 433A.145 or]~~ section 10 of this act.*

Sec. 5. *"Involuntary court-ordered admission" means the admission of a person in a mental health crisis to a public or private mental health facility ordered by a court pursuant to NRS 433A.200 to 433A.330, inclusive.*

Sec. 6. *"Mental health crisis hold" means the detention of a person alleged to be a person in a mental health crisis ~~[at a public or private mental health facility or hospital]~~ for transport, assessment, evaluation, intervention and treatment pursuant to NRS 433A.160.*

Sec. 7. *"Supporter" has the meaning ascribed to it in NRS 162C.090.*

Sec. 8. *"Voluntary admission" means the admission of a person to a public or private mental health facility or a division facility pursuant to NRS 433A.140 as a voluntary consumer for the purposes of observation, diagnosis, care and treatment.*

Sec. 9. *1. A person listed in subsection 2 may petition a district court for an order requiring any peace officer ~~[to take the actions described in subsection 1 of NRS 433A.160]~~ to place a person alleged to be in a mental health crisis on a mental health crisis hold ~~[.]~~ pursuant to NRS 433A.160.*

2. A petition pursuant to subsection 1 may be made by:

(a) An officer authorized to make arrests in the State of Nevada;

(b) A physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse;

(c) The spouse, parent, adult child or legal guardian of a person alleged to be a person in a mental health crisis; ~~*[or]*~~

(d) A person who is providing case management, support and supervision to a person who has been conditionally released pursuant to NRS 433A.380, including, without limitation, a member of the staff of a community treatment program, social services agency, mobile crisis team or multi-disciplinary team that is providing case management, support and supervision to the person who is the subject of the petition; or

(e) Any other person who has a legitimate interest in a person alleged to be a person in a mental health crisis.

3. A petition pursuant to subsection 1 that concerns a person who is receiving assisted outpatient treatment ordered pursuant to section 18 of this act must be accompanied by:

(a) A copy of the order for assisted outpatient treatment, including, without limitation, the list of services that the person has been ordered to receive; and

(b) A list of the provisions of the order with which the person has failed to comply, if any.

4. The district court may issue an order to place a person alleged to be in a mental health crisis on a mental health crisis hold only if it is satisfied that there is probable cause to believe that the person who is the subject of the petition is a person in a mental health crisis. If the district court issues such an order, the court shall ensure the delivery of the order to the sheriff of the county. The sheriff shall:

(a) Provide the order to the public or private mental health facility or hospital to which the person placed on a mental health crisis hold is transported; or

(b) Arrange for the person who transports the person placed on a mental health crisis hold to a public or private mental health facility or hospital to provide the order to the facility or hospital.

Sec. 10. *1. A public or private mental health facility or hospital may admit a person who has been placed on a mental health crisis hold under an emergency admission if:*

(a) After conducting an examination pursuant to NRS 433A.165, a physician, physician assistant or advanced practice registered nurse determines that the person does not have a medical condition, other than a psychiatric condition, which requires immediate treatment;

(b) A ~~*[licensed]*~~ *psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, who is employed by the public or private*

mental health facility or hospital completes a certificate pursuant to NRS 433A.170;

(c) A psychiatrist or a psychologist or, if a psychiatrist or a psychologist is not available, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, evaluates the person at the time of admission and determines that the person is a person in a mental health crisis; and

(d) A psychiatrist approves the admission.

2. The provisions of subsections 2 and 3 of NRS 433A.150 continue to apply to a person who is admitted to a public or private mental health facility or hospital under an emergency admission pursuant to this section.

Sec. 11. *1. A proceeding for an order requiring any person in the State of Nevada to receive ~~[involuntary]~~ assisted outpatient treatment may be commenced by the filing of a petition for such an order with the clerk of the district court of the county where the person who is to be treated is present. The petition may be filed by:*

(a) Any person who is at least 18 years of age and resides with the person to be treated;

(b) The spouse, parent, adult sibling, adult child or legal guardian of the person to be treated;

(c) A physician, physician assistant, psychologist, social worker or registered nurse who is providing care to the person to be treated;

(d) The Administrator or his or her designee; or

(e) The medical director of a division facility in which the person is receiving treatment or the designee of the medical director of such a division facility.

2. ~~[A petition filed pursuant to subsection 1 must be accompanied by:~~

~~(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:~~

~~(1) Assessed the person who is the subject of the petition not earlier than 10 days before the filing of the petition;~~

~~(2) Recommends that the person be ordered to receive involuntary assisted outpatient treatment; and~~

~~(3) Is willing and able to testify at a hearing on the petition; and~~

~~(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a professional responsible for providing or coordinating involuntary assisted outpatient treatment stating that he or she is willing to provide or coordinate involuntary assisted outpatient treatment for the person.~~

~~3.]~~ A proceeding to require a person who is the defendant in a criminal proceeding in the district court to receive ~~[involuntary]~~ assisted outpatient

treatment may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if:

(a) The defendant has been examined in accordance with NRS 178.415;

(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and

(c) The Division makes a clinical determination that ~~[involuntary]~~ assisted outpatient treatment is appropriate.

~~[4.]~~ 3. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection ~~[3]~~ 2 must allege the following concerning the person to be treated:

(a) The person is at least 18 years of age.

(b) The person has a mental illness.

(c) The person has a history of poor compliance with treatment for his or her mental illness that has resulted in at least one of the following circumstances:

(1) At least twice during the immediately preceding 48 months, poor compliance with treatment has been a significant factor in the person being hospitalized or receiving services in the behavioral health unit of a federal or state prison or a county or city jail or detention center. The 48-month period described in this subparagraph must be extended by the amount of time that the person has been hospitalized, incarcerated or detained if poor compliance with treatment for his or her mental illness was a significant factor in the person being hospitalized, incarcerated or detained.

(2) Poor compliance with treatment has resulted in at least one act of serious violence toward himself or herself or others or threat or attempt to cause serious physical harm to himself or herself or others during the immediately preceding 48 months in which the person has not been hospitalized, incarcerated or detained. The 48-month period described in this subparagraph must be extended by the amount of time that the person has been hospitalized, incarcerated or detained if poor compliance with treatment for his or her mental illness was a significant factor in the person being hospitalized, incarcerated or detained.

(3) ~~[Resulted]~~ Poor compliance with treatment has resulted in the person being hospitalized, incarcerated or detained for at least 6 months and the person:

(I) Is scheduled to be discharged or released from such hospitalization, incarceration or detention during the 30 days immediately following the date of the petition; or

(II) Has been discharged or released from such hospitalization, incarceration or detention during the 60 days immediately preceding the date of the petition. ~~[; or~~

~~*(4) Caused the person to suffer or continue to suffer severe abnormal mental, emotional or physical harm that significantly impairs judgment, reason, behavior or capacity to recognize reality.]*~~

(d) The person is capable of surviving in the community in which he or she resides without presenting a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if he or she receives assisted outpatient treatment.

(e) The person requires assisted outpatient treatment to prevent further disability or deterioration that presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195.

4. A petition filed pursuant to subsection 1 or a motion made pursuant to subsection 2 must be accompanied by:

(a) A sworn statement or a declaration that complies with the provisions of NRS 53.045 by a physician, a psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, stating that he or she:

(1) Assessed the person who is the subject of the petition or motion not earlier than 10 days before the filing of the petition or making of the motion;

(2) Recommends that the person be ordered to receive assisted outpatient treatment; and

(3) Is willing and able to testify at a hearing on the petition or motion; and

(b) A sworn statement or a declaration that complies with the provisions of NRS 53.045 from a person professionally qualified in the field of psychiatric mental health stating that he or she is willing to provide assisted outpatient treatment for the person in the county where the person resides.

5. ~~[Upon the request of the person who is the subject of a petition filed pursuant to subsection 1, the court shall order an independent evaluation by a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, to determine whether the person meets the criteria prescribed in subsection 4. The petitioner is responsible for the cost of the examination. The person who conducts the examination must submit his or her findings to the court and be available to serve as a witness for any party at the hearing.~~

~~6.]~~ A copy of the petition filed pursuant to subsection 1 or a motion made pursuant to subsection ~~[3]~~ 2 must be served upon the person who is the subject of the petition or motion or his or her counsel and, if applicable, his or her legal guardian.

Sec. 12. *1. Immediately after the clerk of the district court receives a petition filed pursuant to subsection 1 of section 11 of this act or section 21 of*

this act, the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. Immediately after a motion is made pursuant to subsection ~~[3]~~ 2 of section 11 of this act, the district judge shall set a time, date and place for its hearing. The date must be:

(a) Within 30 judicial days after the date on which the petition is received by the clerk or the motion is made, as applicable; or

(b) If the person who is the subject of the petition or motion is hospitalized at the time of the petition or motion, before that person is to be discharged and within a sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

2. If the Chief Judge, if any, of the district court has assigned a district court judge or hearing master to preside over hearings pursuant to this section, that judge or hearing master must preside over the hearing.

3. The court shall give notice of the petition or motion and of the time, date and place of any proceedings thereon to the person who is the subject of the petition or motion, his or her attorney, if known, the person's legal guardian, the petitioner, if applicable, the district attorney of the county in which the court has its principal office, the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with a mental illness and the administrative office of any public or private mental health facility or hospital in which the subject of the petition or motion is detained.

Sec. 13. *1. Before the date of a hearing on a petition or motion for ~~[involuntary]~~ assisted outpatient treatment, the person who made the sworn statement or declaration pursuant to paragraph (a) of subsection ~~[2]~~ 4 of section 11 of this act, the personnel of the Division who made the clinical determination concerning the appropriateness of ~~[involuntary]~~ assisted outpatient treatment pursuant to paragraph (c) of subsection ~~[3]~~ 2 of section 11 of this act or the person or entity who submitted the petition pursuant to section 21 of this act, as applicable, shall submit to the court a proposed written treatment plan created by a person professionally qualified in the field of psychiatric mental health who is familiar with the person who is the subject of the petition or motion, as applicable. The proposed written treatment plan must set forth:*

(a) The services and treatment recommended for the person who is the subject of the petition or motion; and

(b) The person who will provide such services and treatment and his or her qualifications.

2. Services and treatment set forth in a proposed written treatment plan must include, without limitation:

(a) Case management services to coordinate the assisted outpatient treatment recommended pursuant to paragraph (b); and

(b) Assisted outpatient treatment which may include, without limitation:

(1) Medication;

(2) Periodic blood or urine testing to determine whether the person is receiving such medication;

(3) Individual or group therapy;

(4) Full-day or partial-day programming activities;

(5) Educational activities;

(6) Vocational training;

(7) Treatment and counseling for a substance use disorder;

(8) If the person has a history of substance use, periodic blood or urine testing for the presence of alcohol or other recreational drugs;

(9) Supervised living arrangements; and

(10) Any other services determined necessary to treat the mental illness of the person, assist the person in living or functioning in the community or prevent a deterioration of the mental or physical condition of the person.

3. A person professionally qualified in the field of psychiatric mental health who is creating a proposed written treatment plan pursuant to subsection 1 shall:

(a) Consider any wishes expressed by the person who is to be treated in an advance directive for psychiatric care executed pursuant to NRS 449A.600 to 449A.645, inclusive; and

(b) Consult with the person who is to be treated, any providers of health care who are currently treating the person, any ~~[surrogate,]~~ supporter or legal guardian of the person, and, upon the request of the person, any other person concerned with his or her welfare, including, without limitation, a relative or friend.

4. If a proposed written treatment plan includes medication, the plan must specify the type and class of the medication and state whether the medication is to be self-administered or administered by a specific provider of health care. A proposed written treatment plan must not recommend the use of physical force or restraints to administer medication.

5. If a proposed written treatment plan includes periodic blood or urine testing for the presence of alcohol or other recreational drugs, the plan must set forth sufficient facts to support a clinical determination that the person who is to be treated has a history of substance use disorder.

6. If the person who is to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, a copy of the advance directive must be attached to the proposed written treatment plan.

7. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. *1. The person who is the subject of a petition filed or motion made pursuant to section 11 or 21 of this act 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]~~ assisted outpatient treatment. If he or she fails or refuses to obtain counsel, the court must advise the person and his or her guardian or next of kin, if known, of such right to counsel and must appoint counsel, who may be the public defender or*

his or her deputy. The person must be represented by counsel at all stages of the proceedings.

2. The court shall award compensation to any counsel appointed pursuant to subsection 1 for his or her services in an amount determined by the court 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]~~ who is the subject of the petition or motion last resided.

3. The court shall, at the request of counsel representing the subject of the petition or motion in proceedings before the court relating to ~~[involuntary]~~ assisted outpatient treatment, grant a recess in the proceedings for the shortest time possible, but for not more than 7 days, to give the counsel an opportunity to prepare his or her case.

4. If the person who is the subject of the petition or motion is ordered to receive ~~[involuntary]~~ assisted outpatient treatment, counsel must 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 required by the order to receive ~~[involuntary]~~ assisted outpatient treatment.

Sec. 15. *1. The district attorney of a county in which a petition is filed or motion is made pursuant to section 11 or 21 of this act or his or her deputy:*

(a) Must appear and represent the State in the proceedings for ~~[involuntary]~~ assisted outpatient treatment if:

(1) ~~[Pursuant to subsection 1 of section 11 of this act or section 21 of this act the]~~ The proceedings were initiated by:

(I) A petition filed pursuant to subsection 1 of section 11 of this act or section 21 of this act by the Administrator or his or her designee ~~[;]~~ or

~~[(II) The]~~ the medical director of a division facility or his or her designee; or

(II) A motion made pursuant to subsection 2 of section 11 of this act; and

(2) The district attorney determines that there is clear and convincing evidence that the criteria prescribed in subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable, are met.

(b) May appear and represent the State in the proceedings for ~~[involuntary]~~ assisted outpatient treatment in any other case where the district attorney determines that there is clear and convincing evidence that the criteria prescribed in subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable, are met.

2. If the district attorney does not appear and represent the State in a proceeding for ~~[involuntary]~~ assisted outpatient treatment, the petitioner is responsible for presenting the case in support of the petition.

Sec. 16. *1. In proceedings for ~~[involuntary]~~ assisted outpatient treatment, the court shall hear and consider all relevant testimony, including, without limitation:*

(a) The testimony of the person who made a sworn statement or declaration pursuant to paragraph (a) of subsection ~~[2]~~ 4 of section 11 of this act, any personnel of the Division responsible for a clinical determination made pursuant to paragraph (c) of subsection ~~[3]~~ 2 of section 11 of this act or the person or entity responsible for the decision to submit a petition pursuant to section 21 of this act, as applicable;

(b) The testimony of any ~~[surrogate,]~~ supporter or legal guardian of the person who is the subject of the proceedings, if that person wishes to testify; and

(c) If the proposed written treatment plan submitted pursuant to section 13 of this act recommends medication and the person who is the subject of the petition or motion objects to the recommendation, the testimony of the person professionally qualified in the field of psychiatric mental health who ~~[is familiar with the person who]~~ prescribed the recommendation.

2. The court may consider testimony relating to any past actions of the person who is the subject of the petition or motion if such testimony is probative of the question of whether the person currently meets the criteria prescribed by subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable.

Sec. 17. *1. Except as otherwise provided in subsection 2, the person who is the subject of a petition or motion for ~~[involuntary]~~ assisted outpatient treatment must be present at the proceedings on the petition or motion, as applicable, and may, at the discretion of the court, testify.*

2. The court may conduct the hearing on a petition or motion for ~~[involuntary]~~ assisted outpatient treatment in the absence of the person who is the subject of the petition or motion if:

(a) The person has waived his or her right to attend the hearing after receiving notice pursuant to section 12 of this act and being advised of his or her right to be present and the potential consequences of failing to attend; and

(b) The counsel for the person is present.

Sec. 18. *1. If the district court finds, after proceedings for the ~~[involuntary]~~ assisted outpatient treatment of a person:*

(a) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act or submitted the petition pursuant to section 21 of this act, as applicable, is not able to provide treatment to the person who is the subject of the proceedings in the county where he or she resides or that there is not clear and convincing evidence that the person who is the subject of the proceedings meets the criteria prescribed in subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable, the court must enter its finding to that effect and the person must not be ordered to receive ~~[involuntary]~~ assisted outpatient treatment.

(b) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act or submitted the petition

pursuant to section 21 of this act, as applicable, is able to provide treatment to the person who is the subject of the proceedings in the county where he or she resides and that there is clear and convincing evidence that the person who is the subject of the proceedings meets the criteria prescribed in subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable, the court may order the person to receive ~~[involuntary]~~ assisted outpatient treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the ~~[involuntary admission,]~~ issuance of the order, the person is unconditionally released pursuant to NRS 433A.390.

2. If the district court finds, after proceedings for the ~~[involuntary]~~ assisted outpatient treatment of a defendant in a criminal proceeding pursuant to subsection ~~[3]~~ 2 of section 11 of this act:

(a) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act or submitted the petition pursuant to section 21 of this act, as applicable, is not able to provide treatment to the defendant in the county where he or she resides or that there is not clear and convincing evidence that the defendant meets the criteria prescribed in subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable, the court must enter its finding to that effect and the ~~[person]~~ defendant must not be ordered to receive ~~[involuntary]~~ assisted outpatient treatment.

(b) That the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act or submitted the petition pursuant to section 21 of this act, as applicable, is able to provide treatment to the defendant in the county where he or she resides and that there is clear and convincing evidence that the defendant meets the criteria prescribed in subsection ~~[4]~~ 3 of section 11 of this act or subsection 1 of section 21 of this act, as applicable, except as otherwise provided in this paragraph, the court must order the defendant to receive ~~[involuntary]~~ assisted outpatient treatment and suspend further proceedings in the criminal proceeding against the defendant until the defendant completes the treatment or the treatment is terminated. If the offense allegedly committed by the defendant is a category A or B felony or involved the use or threatened use of force or violence, the court must not order the defendant to receive ~~[involuntary]~~ assisted outpatient treatment pursuant to this paragraph unless the prosecuting attorney stipulates to the assignment. The order of the court must be interlocutory and must not become final if, within 30 days after the ~~[involuntary admission,]~~ issuance of the order, the person is unconditionally released pursuant to NRS 433A.390. If the defendant successfully completes the ~~[involuntary]~~ assisted outpatient treatment to the satisfaction of the court, the court must dismiss the criminal charges against the defendant with prejudice.

3. An order for a person to receive ~~[involuntary]~~ assisted outpatient treatment must:

(a) Provide for a period of ~~[involuntary]~~ assisted outpatient treatment that does not exceed 6 months unless the order is renewed or extended pursuant to section 21 of this act;

(b) Specify the services that the person who is to be treated must receive; and

(c) Direct ~~[one or more providers of health care]~~ the person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act or submitted the petition pursuant to section 21 of this act, as applicable, to provide ~~[or arrange for]~~ the services pursuant to paragraph (b) for the duration of the order.

4. If an order for a person to receive ~~[involuntary]~~ assisted outpatient treatment requires the administration of medication, the order must state the classes of medication and the reasons for ordering the medication, which must be based on the proposed written treatment plan submitted pursuant to section 13 of this act. The order may require the person who is to be treated to self-administer the medication or accept the administration of the medication by a specified person. The court shall not order the use of physical force or restraints to administer medication.

5. An order for a person to receive ~~[involuntary]~~ assisted outpatient treatment ~~[may]~~ must not prescribe treatment that ~~[differs from the treatment]~~ is not recommended by the ~~[proposed written treatment plan submitted pursuant to section 13 of this act.]~~ person professionally qualified in the field of psychiatric mental health who made the sworn statement or declaration pursuant to paragraph (b) of subsection 4 of section 11 of this act or submitted the petition pursuant to section 21 of this act, as applicable.

6. ~~[If a surrogate, supporter or legal guardian of a person to be treated testified at the hearing or the person to be treated has executed an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, an order for the person to receive involuntary assisted outpatient treatment must not require treatment that conflicts with the preferences expressed in the testimony or advance directive, as applicable, unless good cause is shown.~~

~~7.]~~ If the court issues an order requiring a person to receive ~~[involuntary]~~ assisted outpatient treatment, the court must, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

~~[8.]~~ 7. A court may periodically review an order for a person to receive ~~[involuntary]~~ assisted outpatient treatment to determine whether there is an available alternative treatment that is the least restrictive treatment that is appropriate for the person, is in the best interest of the person and will not be detrimental to the public welfare. If the court determines that such a treatment ~~[exists,]~~ is available, the court must amend the order to require such treatment.

~~[9.]~~ 8. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 19. ~~[The order for any person to receive involuntary assisted outpatient treatment must be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.]~~ (Deleted by amendment.)

Sec. 20. ~~[1. When a person who is involuntarily required to receive assisted outpatient treatment fails to participate in the treatment or otherwise fails to carry out the plan of treatment ordered pursuant to section 18 of this act or subsection 3 of NRS 433A.310, as applicable, despite efforts by the professional responsible for providing or coordinating the involuntary assisted outpatient treatment for the person to solicit the person's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to the appropriate location to determine whether the person is a person in a mental health crisis. The petition must be accompanied by:~~

~~(a) A copy of the order for involuntary assisted outpatient treatment;~~

~~(b) A copy of the plan of treatment ordered by the court pursuant to section 18 of this act or subsection 3 of NRS 433A.310, as applicable;~~

~~(c) A list that sets forth the specific provisions of the plan of treatment which the person has failed to carry out; and~~

~~(d) A statement by the petitioner which explains how the person's failure to receive involuntary assisted outpatient treatment or failure to carry out the plan of treatment will likely cause the person to harm himself or herself or others.~~

~~2. If the court determines that there is probable cause to believe that the person is likely to harm himself or herself or others if the person does not comply with the plan of treatment, the court may issue an order requiring a peace officer to take into custody and deliver the person to an appropriate location for a determination of whether the person is a person in a mental health crisis.~~

~~3. As used in this section, "appropriate location" does not include a jail or prison.]~~ (Deleted by amendment.)

Sec. 21. *1. Not later than 7 judicial days before the end of a period of ~~[involuntary]~~ assisted outpatient treatment ordered by a court pursuant to section 18 of this act ~~,~~ ~~[or NRS 433A.310,]~~ the Administrator or his or her designee, the medical director of a division facility through which the person who is the subject of the order is receiving ~~[involuntary]~~ assisted outpatient treatment or his or her designee or another ~~[professional]~~ person professionally qualified in the field of psychiatric mental health responsible for providing ~~[or coordinating]~~ the ~~[involuntary]~~ assisted outpatient treatment may petition to renew the order for ~~[involuntary]~~ assisted outpatient treatment for additional periods not to exceed 6 months each. For each renewal, the petition must allege that the person to be treated:*

(a) Is capable of surviving in the community in which he or she resides without presenting a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, if he or she receives assisted outpatient treatment;

(b) Requires assisted outpatient treatment to prevent further disability or deterioration that presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195; and

(c) Has a limited ability to make an informed decision to voluntarily seek or comply with treatment for his or her mental illness as a result of his or her mental illness.

2. A copy of a petition filed pursuant to subsection 1 must be served upon the person who is the subject of the petition or his or her counsel and, if applicable, his or her legal guardian.

3. Upon receiving a petition filed pursuant to subsection 1, the court shall schedule a hearing on the petition pursuant to section 12 of this act. If the order for ~~[involuntary]~~ assisted outpatient treatment that is effective at the time of the petition is scheduled to expire before the hearing, the order is extended and remains in effect until the date of the hearing.

Sec. 22. ~~*[1. If a person described in subsection 2 determines that conditional release for a person pursuant to NRS 433A.380 is no longer appropriate because the person is in a mental health crisis, the person may petition the district court in the county where the person determined to be in a mental health crisis resides for an order requiring a peace officer to take the person into custody and transport the person to a mental health facility or hospital or arrange for the person to be transported to a mental health facility or hospital by a person or entity listed in subparagraph (2) of paragraph (b) of subsection 1 of NRS 433A.160.*~~

~~*2. A petition described in subsection 1 may be filed by:*~~

~~*(a) A member of the staff of a community treatment program, social services organization, mobile crisis unit or a member of a multi-disciplinary team that is providing case management, support and supervision to the person who is the subject of the petition;*~~

~~*(b) The spouse, parent, adult child or guardian of the person who is the subject of the petition; or*~~

~~*(c) A member of the staff of a mental health facility or hospital at which the person who is the subject of the petition is receiving treatment.*~~

~~*3. The district court may issue an order pursuant to subsection 1 only if it concludes that there is probable cause to believe that conditional release is no longer appropriate because the person is a person in a mental health crisis. If the district court issues such an order, the court shall ensure the delivery of the order to the sheriff of the county. The sheriff shall:*~~

~~*(a) Provide the order to the public or private mental health facility or hospital to which the person is transported; or*~~

~~*(b) Arrange for the person who transports the person alleged to be a person in a mental health crisis to a public or private mental health facility or hospital to provide the order to the facility or hospital.*~~

~~*4. A mental health facility or hospital to which a person is transported pursuant to this section shall provide for the evaluation of the person by a physician, a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120. If the physician, psychologist, physician assistant, clinical social worker or advanced practice registered nurse conducting the evaluation determines that the person is a person in a mental health crisis, the physician, psychologist, physician assistant, clinical social worker or advanced practice registered nurse must:*~~

~~*(a) Place the person on a mental health crisis hold pursuant to NRS 433A.160;*~~

~~*(b) Arrange for the emergency admission of the person pursuant to section 10 of this act; and*~~

~~*(c) Submit a petition for the involuntary court-ordered admission of the person pursuant to NRS 433A.200.*~~

~~*5. This section must not be construed to prohibit the placement of a person who is on conditional release on a mental health crisis hold pursuant to NRS 433A.160 in the absence of a court order pursuant to this section.]*~~ (Deleted by amendment.)

Sec. 23. NRS 433A.011 is hereby amended to read as follows:

433A.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433A.012 to 433A.019, inclusive, *and sections* ~~*[4]*~~ *3.5 to 8, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 23.5. NRS 433A.018 is hereby amended to read as follows:

433A.018 "Person professionally qualified in the field of psychiatric mental health" means:

1. A psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology;

2. A psychologist licensed to practice in this State;

3. A social worker who holds a master's degree in social work ~~[,]~~ *and* is licensed by the State as a clinical social worker *;* ~~[and is employed by the Division;]~~

4. A registered nurse who:

(a) Is licensed to practice professional nursing in this State; *and*

(b) Holds a master's degree in the field of psychiatric nursing; ~~[and~~

~~(c) Is employed by the Division;]~~

5. A marriage and family therapist licensed pursuant to chapter 641A of NRS; or

6. A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Sec. 24. NRS 433A.019 is hereby amended to read as follows:

433A.019 ~~["Program of community based or outpatient services"]~~ *"Assisted outpatient treatment"* means ~~[care, treatment and training]~~ *outpatient services* provided *pursuant to a court order* to ~~[persons in a mental health crisis, including, without limitation:~~

~~1. A program or service for the treatment of alcohol or other substance use disorders;~~

~~2. A program of general education or vocational training;~~

~~3. A program or service that assists in the dispensing or monitoring of medication;~~

~~4. A program or service that provides counseling or therapy;~~

~~5. A service which provides screening tests to detect the presence of alcohol or drugs;~~

~~6. A program of supervised living; or~~

~~7. Any combination of programs and services for persons with mental illness.~~

~~➥]~~ *a person with a mental illness for the purpose of treating the mental illness, assisting the person to live and function in the community or to prevent a relapse or deterioration that may reasonably be predicted to result in harm to the person or another person if the person with a mental illness is not treated.* The term does not include ~~[care, treatment and training]~~ *services* provided to residents of a mental health facility.

Sec. 25. ~~[NRS 433A.0195 is hereby amended to read as follows:~~

~~433A.0195 For the purposes of this chapter, a person shall be deemed to present a substantial likelihood of serious harm to himself or herself or others if, without care or treatment, the person is at serious risk of:~~

~~1. Attempting suicide or homicide;~~

~~2. Causing bodily injury to himself or herself or others, including, without limitation, death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or a protracted loss or impairment of a body part, organ or mental functioning; [or]~~

~~3. Incurring a serious injury, illness or death resulting from complete neglect of basic needs for food, clothing, shelter or personal safety [.] ; or~~

~~*4. Suffering severe abnormal mental, emotional or physical harm that significantly impairs judgment, reason, behavior or the capacity to recognize reality.*~~] (Deleted by amendment.)

Sec. 26. NRS 433A.130 is hereby amended to read as follows:

433A.130 All applications , ~~[and]~~ certificates *and other forms* for the *detainment, evaluation,* admission , *treatment and conditional release* of any person in the State of Nevada ~~[to a mental health facility or to a program of community-based or outpatient services]~~ under the provisions of this chapter shall be made on forms approved by the Division and the Office of the Attorney General and furnished by the clerks of the district courts in each county.

Sec. 27. NRS 433A.140 is hereby amended to read as follows:

433A.140 1. Any person may apply to:

(a) A public or private mental health facility in the State of Nevada for admission to the facility; or

(b) A division facility to receive care, treatment or training provided by the Division,

➥ as a voluntary consumer for the purposes of observation, diagnosis, care and treatment. In the case of a person who has not attained the age of majority, application for voluntary admission or care, treatment or training may be made on his or her behalf by the person's spouse, parent or legal guardian.

2. If the application is for admission to a division facility, or for care, treatment or training provided by the Division, the applicant must be admitted or provided such services as a voluntary consumer if an examination by personnel of the facility qualified to make such a determination reveals that the person needs and may benefit from services offered by the mental health facility.

3. Any person admitted to a public or private mental health facility as a voluntary consumer must be released immediately after the filing of a written request for release with the responsible physician or that physician's designee within the normal working day, unless the facility changes the status of the person to an emergency admission pursuant to NRS 433A.145. When a person is released pursuant to this subsection, the facility and its agents and employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

4. Any person admitted to a public or private mental health facility as a voluntary consumer who has not requested release may nonetheless be released by the medical director of the facility when examining personnel at the facility determine that the consumer has recovered or has improved to such an extent that the consumer is not considered a danger to himself or herself or others and that the services of that facility are no longer beneficial to the consumer or advisable.

5. A person who requests care, treatment or training from the Division pursuant to this section must be evaluated by the personnel of the Division to

determine whether the person is eligible for the services offered by the Division. The evaluation must be conducted:

(a) Within 72 hours if the person has requested inpatient services; or

(b) Within 72 regular operating hours, excluding weekends and holidays, if the person has requested ~~[community-based or outpatient services.]~~ *assisted outpatient treatment.*

6. This section does not preclude a public facility from making decisions, policies, procedures and practices within the limits of the money made available to the facility.

Sec. 28. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person in a mental health crisis is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless ~~[the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to]~~ *:*

(a) A person described in NRS 433A.160 *places the person in a mental health crisis hold;* and ~~[the certificate of a]~~

(b) ~~*[A*~~ ~~psychiatrist, psychologist, physician, physician assistant, clinical social worker or advanced practice registered nurse~~ *completes a certificate* ~~pursuant to NRS 433A.170.]~~ *The requirements prescribed by section 10 of this act have been met.*

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* person whose status is changed pursuant to subsection 1 must not be detained in excess of 72 hours *, including weekends and holidays,* after the ~~[change in status is made]~~ *person is placed on a mental health crisis hold pursuant to NRS 433A.160* unless, before the close of the business day on which the 72 hours expires, a written petition *for an involuntary court-ordered admission to a mental health facility* is filed with the clerk of the district court pursuant to NRS 433A.200 ~~[.]~~ *, including, without limitation, the documents required pursuant to NRS 433A.210.*

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 29. NRS 433A.150 is hereby amended to read as follows:

433A.150 1. ~~[Except as otherwise provided in this subsection, a]~~ *A* person alleged to be a person in a mental health crisis ~~[may, upon application]~~ *who is placed on a mental health crisis hold* pursuant to NRS 433A.160 ~~[and]~~ *may,* subject to the provisions of subsection 2, be detained in a public or private mental health facility or hospital ~~[under an emergency admission]~~ for *assessment,* evaluation, ~~[observation]~~ *intervention* and treatment, regardless of whether any parent or legal guardian of the person has consented to the ~~[admission.]~~ *mental health crisis hold.*

2. Except as otherwise provided in subsection 3, a person detained pursuant to subsection 1 must be released within 72 hours, including weekends

and holidays, after the ~~[application for emergency admission or any part of such an application is made]~~ *person is placed on a mental health crisis hold* pursuant to NRS 433A.160 unless, before the close of the business day on which the 72 hours expires, a written petition for an involuntary court-ordered admission to a mental health facility is filed with the clerk of the district court pursuant to NRS 433A.200, including, without limitation, the documents required pursuant to NRS 433A.210, or the status of the person is changed to a voluntary admission.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

Sec. 30. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. ~~[Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person in a mental health crisis for evaluation, observation and treatment may only be made by an]~~ *An* officer authorized to make arrests in the State of Nevada or a physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse ~~[. The officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:~~

~~(a) Without a warrant:~~

~~(1) Take]~~ *who, based on his or her personal observation of a person or the issuance of a court order pursuant to section 9 of this act, has probable cause to believe that the person is* a person ~~[alleged to be a person]~~ in a mental health crisis *, may place the person on a mental health crisis hold by:*

(a) Taking the person into custody ~~[to apply for the emergency admission of the person for evaluation, observation and treatment;]~~ *without a warrant* ~~*[;*~~ ~~and~~

~~(2) Transport]~~ *for assessment, evaluation, intervention and treatment at a public or private mental health facility or hospital; and*

(b) ~~*[Transporting* the]~~ *Completing and providing to the public or private mental health facility or hospital the form prescribed pursuant to NRS 433A.130 for the placement of a person on a mental health crisis hold. The form must set forth the circumstances under which the person was taken into custody and the reasons therefor.*

2. A person who places another person on a mental health crisis hold pursuant to subsection 1 may transport that person ~~[alleged to be a person in a mental health crisis]~~ to a public or private mental health facility or hospital ~~[for that purpose, *assessment, evaluation, intervention and treatment]*~~ or arrange ~~*[arranging]*~~ for the person to be transported by:

~~[(I) *(1)]*~~ *(a)* A local law enforcement agency;

~~[(II) *(2)]*~~ *(b)* A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

~~[(III) *(3)]*~~ *(c)* An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421;

~~[(IV) *(4)]*~~ *(d)* An accredited agent of the Division;

~~[(V) *(5)]*~~ *(e)* A provider of nonemergency secure behavioral health transport services licensed under the regulations adopted pursuant to NRS 433.3317; or

~~[(VI) *(6)]*~~ *(f)* If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS. ~~[~~,

~~➥ only if the officer, physician, physician assistant, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse, based upon his or her personal observation of the person, has probable cause to believe that the person is a person in a mental health crisis.~~

~~(b) Apply to a district court for an order requiring:~~

~~(1) Any peace officer to take a person alleged to be a person in a mental health crisis into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and~~

~~(2) Any agency, system, provider, agent or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person in a mental health crisis to a public or private mental health facility or hospital for that purpose.~~

~~➥ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person is a person in a mental health crisis.~~

~~2. An application for the emergency admission of a person alleged to be a person in a mental health crisis for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person in a mental health crisis may apply to a district court for an order described in paragraph (b) of subsection 1.~~

~~3. The application for the emergency admission of a person alleged to be a person in a mental health crisis for evaluation, observation and treatment must reveal *; and*~~

~~*(c) Completing and providing to the public or private mental health facility or hospital the form prescribed pursuant to NRS 433A.130 for the placement of a person on a mental health crisis hold. The form must set forth* the circumstances under which the person was taken into custody and the reasons therefor.~~

~~4. *2.]*~~ *3.* To the extent practicable, a person ~~[who applies for the emergency admission of a person who is less than 18 years of age to a public or private mental health facility or hospital, other than a parent or guardian,]~~ *described in subsection 1* shall attempt to obtain the consent of the parent or guardian *of an unemancipated person who is less than 18 years of age* before ~~[making the application.]~~ *placing the person on a mental health crisis hold.* The person who ~~[applies for the emergency admission]~~ *places an*

unemancipated person who is less than 18 years of age on a mental health crisis hold or, if the person ~~[makes the application]~~ *is acting* within the scope of his or her employment, the employer of the person, shall maintain documentation of each such attempt until the person who is ~~[the subject of the application]~~ *placed on a mental health crisis hold* reaches at least 23 years of age.

~~[5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician or an advanced practice registered nurse who has the training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.~~

~~6. *3.]*~~ *4.* The State Board of Health shall adopt regulations governing the manner in which:

(a) A person may apply to become an accredited agent of the Division; and

(b) Accredited agents of the Division will be monitored and disciplined for professional misconduct.

~~[7. *4.]*~~ *5.* As used in this section, "an accredited agent of the Division" means any person authorized by the Division to transport to a mental health facility pursuant to ~~[subparagraph 2 *(4)* of]~~ paragraph ~~[(a) *(b)]*~~ *(d)* of subsection ~~[1]~~ *2* those persons ~~[in need of emergency admission.]~~ *being placed on a mental health crisis hold.*

Sec. 31. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before a person alleged to be a person in a mental health crisis may be admitted to a public or private mental health facility *or hospital under an emergency admission* pursuant to ~~[NRS 433A.160, *433A.145 or]*~~ *section 10 of this act,* the person must:

(a) First be examined by a licensed physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse licensed pursuant to NRS 632.237 at any location where such a physician, physician assistant or advanced practice registered nurse is authorized to conduct such an examination to determine whether the person has a medical condition, other than a psychiatric condition, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. If a person *alleged to be a person* in a mental health crisis has a medical condition in addition to a psychiatric condition which requires medical treatment that requires more than 72 hours to complete, the licensed physician,

physician assistant or advanced practice registered nurse who examined the person must:

(a) On the first business day after determining that such medical treatment is necessary, file with the clerk of the district court a written petition ~~[to admit]~~ *for the involuntary court-ordered admission of* the person to a public or private mental health facility pursuant to NRS ~~[433A.160]~~ *433A.200* after the medical treatment has been completed. The petition must:

(1) Include, without limitation, the medical condition of the person and the purpose for continuing the medical treatment of the person; and

(2) Be accompanied by a copy of ~~[the application for the emergency admission of the person required]~~ *:*

(I) The form for the placement of a person on a mental health crisis hold completed pursuant to NRS 433A.160 *;* and ~~[the]~~

(II) The certificate ~~[required]~~ *completed* pursuant to NRS 433A.170 ~~[.]~~ *, unless the medical condition prevents the completion of such a certificate.*

(b) Seven days after filing a petition pursuant to paragraph (a) and every 7 days thereafter, file with the clerk of the district court an update on the medical condition and treatment of the person.

3. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

4. The cost of the examination must be paid by the county in which the person alleged to be a person in a mental health crisis resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the person alleged to be a person in a mental health crisis or, on the person's behalf, by his or her insurer or by a state or federal program of medical assistance.

5. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

6. The cost of treatment, including hospitalization, for a person who is indigent must be paid pursuant to NRS 428.010 by the county in which the person alleged to be a person in a mental health crisis resides.

7. The provisions of this section do not require the Division to provide examinations required pursuant to subsection 1 at a division facility if the Division does not have the:

(a) Appropriate staffing levels of physicians, physician assistants, advanced practice registered nurses or other appropriate staff available at the facility as the Division determines is necessary to provide such examinations; or

(b) Appropriate medical laboratories as the Division determines is necessary to provide such examinations.

8. The State Board of Health shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section;

(b) Prescribe a procedure to ensure that an examination is performed pursuant to paragraph (a) of subsection 1; and

(c) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 32. NRS 433A.170 is hereby amended to read as follows:

433A.170 Except as otherwise provided in this section, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept ~~[an application]~~ *a person* for an emergency admission under ~~[NRS 433A.160 433A.145 or]~~ *section 10 of this act* unless ~~[that application is accompanied by a certificate of]~~ a ~~[licensed]~~ psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 , *completes a certificate* stating that he or she has examined the person alleged to be a person in a mental health crisis and that he or she has concluded that the person is a person in a mental health crisis. The certificate required by this section may be obtained from a ~~[licensed]~~ psychologist, physician, physician assistant, clinical social worker or advanced practice registered nurse who is employed by the public or private mental health facility or hospital to which the ~~[application is made.]~~ *person alleged to be a person in a mental health crisis is to be admitted.*

Sec. 33. NRS 433A.185 is hereby amended to read as follows:

433A.185 As soon as practicable but not more than ~~[24]~~ *8* hours after ~~[the emergency admission of a person alleged to be a]~~ *an unemancipated* person ~~[in a mental health crisis]~~ who is under 18 years of age ~~[,]~~ *is placed on a mental health crisis hold,* the administrative officer of the public or private mental health facility *or hospital in which the person is being held or his or her designee* shall *attempt to* give notice of ~~[such admission]~~ *the mental health crisis hold* in person, by telephone or facsimile and by certified mail to the parent or legal guardian of that person ~~[,]~~ *and shall maintain documentation of each such attempt until the person who is placed on a mental health crisis hold reaches at least 23 years of age.*

Sec. 34. NRS 433A.190 is hereby amended to read as follows:

433A.190 1. The administrative officer of a public or private mental health facility *or hospital* shall ensure that, within 24 hours of the emergency admission of a person alleged to be a person in a mental health crisis ~~[pursuant to NRS 433A.150]~~ who is at least 18 years of age, *pursuant to ~~[NRS 433A.145 or]~~ section 10 of this act*, the person is asked to give permission to provide notice of the emergency admission to a family member, friend or other person identified by the person.

2. If a person alleged to be a person in a mental health crisis who is at least 18 years of age gives permission to notify a family member, friend or other person of the emergency admission, the administrative officer shall ensure that:

(a) The permission is recorded in the medical record of the person; and

(b) Notice of the admission is promptly provided to the family member, friend or other person in person or by telephone, facsimile, other electronic communication or certified mail.

3. Except as otherwise provided in subsections 4 and 5, if a person alleged to be a person in a mental health crisis who is at least 18 years of age does not give permission to notify a family member, friend or other person of the emergency admission of the person, notice of the emergency admission must not be provided until permission is obtained.

4. If a person alleged to be a person in a mental health crisis who is at least 18 years of age is not able to give or refuse permission to notify a family member, friend or other person of the emergency admission, the administrative officer of the mental health facility *or hospital* may cause notice as described in paragraph (b) of subsection 2 to be provided if the administrative officer determines that it is in the best interest of the person in a mental health crisis.

5. If a guardian has been appointed for a person alleged to be a person in a mental health crisis who is at least 18 years of age or the person has executed a durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive, or appointed an attorney-in-fact using an advance directive for psychiatric care pursuant to NRS 449A.600 to 449A.645, inclusive, the administrative officer of the mental health facility *or hospital* must ensure that the guardian, agent designated by the durable power of attorney or the attorney-in-fact, as applicable, is promptly notified of the admission as described in paragraph (b) of subsection 2, regardless of whether the person alleged to be a person in a mental health crisis has given permission to the notification.

Sec. 35. NRS 433A.195 is hereby amended to read as follows:

433A.195 *1.* A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person ~~[admitted pursuant to NRS 433A.160]~~ *from a mental health crisis hold* upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital, a physician assistant under the supervision of a

psychiatrist, psychologist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person in a mental health crisis.

2. A ~~[licensed]~~ psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital ~~[may release an]~~ who has personally assessed an unemancipated person who is less than 18 years of age ~~[from]~~ after the person was placed on a mental health crisis hold may release the person from the hold if the parent or guardian of the person agrees to treatment ~~[at the facility]~~ or accepts physical custody of the person.

Sec. 36. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in ~~[subsection 3 and]~~ NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility ~~[or to a program of community-based or outpatient services]~~ with the clerk of the district court of the county where the person who is to be treated resides ~~[.]~~ *or the county where a mental health facility that is willing to admit the person is located.* The petition may be filed by ~~[the spouse, parent, adult children or legal guardian of the person to be treated or by]~~ any physician, physician assistant, psychologist, social worker or registered nurse or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, a ~~[licensed]~~ psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160 or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 stating that he or she has examined the person alleged to be a person in a mental health crisis and has concluded that the person is a person in a mental health crisis; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person in a mental health crisis, probable cause to believe that the person is a person in a mental health crisis ~~[;]~~ and

~~[(2) The]~~ *the* person alleged to be a person in a mental health crisis has refused to submit to examination or treatment by a physician, psychiatrist, ~~[licensed]~~ psychologist or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 ~~[.]~~ *; or*

(2) The person alleged to be a person in a mental health crisis has been placed on a mental health crisis hold pursuant to NRS 433A.160 and the physician, physician assistant or advanced practice registered nurse who examined the person alleged to be a person with a mental health crisis pursuant to NRS 433A.165 determined that the person has a medical condition, other than a psychiatric condition, which requires immediate treatment.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is ~~[a]~~ *an unemancipated* minor and the petitioner is a person other than a parent or guardian of the minor, a petition submitted pursuant to subsection 1 must, in addition to the certificate or statement required by that subsection, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

~~[3. A proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services may be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if:~~

~~(a) The defendant has been examined in accordance with NRS 178.415;~~

~~(b) The defendant is not eligible for commitment to the custody of the Administrator pursuant to NRS 178.461; and~~

~~(c) The Division makes a clinical determination that placement in a program of community-based or outpatient services is appropriate.]~~

Sec. 37. NRS 433A.210 is hereby amended to read as follows:

433A.210 In addition to the requirements of NRS 433A.200, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered admission of a person pursuant to NRS 433A.145 or 433A.150 must include *documentation of the results of the medical examination conducted pursuant to NRS 433A.165 and* a ~~[certified]~~ copy of:

1. The ~~[application for the emergency admission of the person made]~~ *form for the placement of the person on a mental health crisis hold* pursuant to NRS 433A.160; and

2. A petition executed by a psychiatrist, ~~[licensed]~~ psychologist, physician or advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, including, without limitation, a sworn statement that:

(a) He or she has examined the person alleged to be a person in a mental health crisis;

(b) In his or her opinion, there is a reasonable degree of certainty that the person alleged to be a person in a mental health crisis suffers from a mental illness;

(c) Based on his or her personal observation of the person alleged to be a person in a mental health crisis and other facts set forth in the petition, the person presents a substantial risk of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195; and

(d) In his or her opinion, involuntary admission of the person alleged to be a person in a mental health crisis to a mental health facility or hospital is medically necessary to prevent the person from harming himself or herself or others.

Sec. 38. NRS 433A.215 is hereby amended to read as follows:

433A.215 If an application for a writ of habeas corpus is made by, or on behalf of, a person in a mental health crisis or who is alleged to be a person in a mental health crisis before the initial hearing on a petition for the involuntary court-ordered admission of the person to a mental health facility , ~~[or a program of community-based or outpatient services,]~~ the court ~~[shall]~~ *must* conduct a hearing on the application as soon as practicable.

Sec. 39. NRS 433A.220 is hereby amended to read as follows:

433A.220 1. Immediately after the clerk of the district court receives any petition filed pursuant to NRS 433A.200 and 433A.210, the clerk shall transmit the petition to the appropriate district judge, who shall set a time, date and place for its hearing. ~~[Immediately after a motion is made pursuant to subsection 3 of NRS 433A.200, the district judge shall set a time, date and place for its hearing.]~~ The date must be within 6 judicial days after the date on which the petition is received by the clerk ~~[or the motion is made, as applicable,]~~ unless otherwise stipulated by an attorney representing the person alleged to be a person in a mental health crisis and the district attorney. If the Chief Judge, if any, of the district court has assigned a district court judge or hearing master to preside over such hearings, that judge or hearing master must preside over the hearing.

2. The court shall give notice of the petition ~~[or motion]~~ and of the time, date and place of any proceedings thereon to the subject of the petition , ~~[or motion,]~~ his or her attorney, if known, the person's legal guardian, the petitioner, ~~[if applicable,]~~ the district attorney of the county in which the court has its principal office, the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons in a mental health crisis and the administrative office of any public or private mental health facility *or hospital* in which the subject of the petition ~~[or motion]~~ is detained.

3. The provisions of this section do not preclude a facility *or hospital* from discharging a person before the time set pursuant to this section for the hearing concerning the person, if appropriate. If the person has a legal guardian, the facility *or hospital* shall notify the guardian prior to discharging the person from the facility ~~[.]~~ *or hospital.* The legal guardian has discretion to determine

where the person will be released, taking into consideration any discharge plan proposed by the facility *or hospital* assessment team. If the legal guardian does not inform the facility *or hospital* as to where the person will be released within 3 days after the date of notification, the facility *or hospital* shall discharge the person according to its proposed discharge plan.

4. If the person who is the subject of the petition is currently admitted to a mental health facility or hospital and is transferred to another mental health facility or hospital, the petitioner must notify the court before the next scheduled hearing related to the petition and not more than 24 hours after the transfer.

5. If the person who is the subject of the petition is currently on conditional release pursuant to NRS 433A.380:

(a) The court may provide information on the conditional release to any public or private mental health facility or hospital in which the person is receiving treatment; and

(b) The court may, with the consent of the parties, set a hearing before or concurrent with the hearing scheduled pursuant to subsection 1 to determine whether conditional release remains appropriate. If the court sets a hearing to resolve the conditional release, the parties may stipulate to continue the matter of the petition for involuntary court-ordered admission pending resolution of the conditional release. If the court determines by clear and convincing evidence that conditional release is no longer appropriate, the court may order the admission of the person to a mental health facility or hospital pending the resolution of the petition for involuntary court-ordered admission.

Sec. 40. NRS 433A.240 is hereby amended to read as follows:

433A.240 1. After the filing of a petition to commence proceedings for the involuntary court-ordered admission of a person pursuant to NRS 433A.200 and 433A.210, the court shall promptly cause two or more physicians, ~~[licensed]~~ psychologists or advanced practice registered nurses who have the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120, one of whom must always be a physician, to examine the person alleged to be a person in a mental health crisis, or request an evaluation by an evaluation team from the Division of the person alleged to be a person in a mental health crisis.

2. Subject to the provisions in subsection 1, the judge assigned to hear a proceeding brought pursuant to NRS 433A.200 to 433A.330, inclusive, shall have complete discretion in selecting the medical professionals to conduct the examination required pursuant to subsection 1.

3. ~~[After the filing of a motion pursuant to subsection 3 of NRS 433A.200, the court shall promptly request an evaluation by an evaluation team from the Division of the person alleged to be a person in a mental health crisis.~~

~~4.]~~ To conduct the examination of a person who is not being detained at a mental health facility or hospital under ~~[emergency admission]~~ *a mental health crisis hold* pursuant to ~~[an application made pursuant to]~~ NRS 433A.160, the

court may order a peace officer to take the person into protective custody and transport the person to a mental health facility or hospital where the person may be detained until a hearing is had upon the petition or motion, as applicable.

~~[5.]~~ *4.* If the person is not being detained under ~~[an emergency admission]~~ *a mental health crisis hold* pursuant to ~~[an application made pursuant to]~~ NRS 433A.160, the person may be allowed to remain in his or her home or other place of residence pending an ordered examination or examinations and to return to his or her home or other place of residence upon completion of the examination or examinations. The person may be accompanied by one or more of his or her relations or friends to the place of examination.

~~[6.]~~ *5.* Each physician, ~~[licensed]~~ psychologist and advanced practice registered nurse who examines a person pursuant to subsection 1 ~~[or 3]~~ shall, in conducting such an examination, consider the least restrictive treatment appropriate for the person.

~~[7.]~~ *6.* Each physician, ~~[licensed]~~ psychologist and advanced practice registered nurse who examines a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to *subsection 1 of* NRS 433A.220, submit to the court in writing a summary of his or her findings and evaluation regarding the person alleged to be a person in a mental health crisis.

Sec. 41. NRS 433A.250 is hereby amended to read as follows:

433A.250 1. The Administrator shall establish such evaluation teams as are necessary to aid the courts under NRS 433A.240 ~~[,]~~ *and* 433A.310 . ~~[, 433A.315 and 433A.323.]~~

2. Each team must be composed of a psychiatrist and other persons professionally qualified in the field of psychiatric mental health who are representative of the Division, selected from personnel in the Division.

3. Fees for the evaluations must be established and collected as set forth in NRS 433.414 or 433B.260, as appropriate.

Sec. 41.5. NRS 433A.260 is hereby amended to read as follows:

433A.260 1. ~~[In counties]~~ *If a petition is filed pursuant NRS 433A.200 with the clerk of the district court in a county* where the examining personnel required pursuant to NRS 433A.240 are not available, ~~[proceedings for involuntary court-ordered admission shall be conducted in]~~ *the district court must transfer the case to* the nearest county having such examining personnel available ~~[in order that there be minimum delay.]~~ *before any hearing on the petition and not later than 1 judicial day after the petition was filed. Not later than 6 days after a case is transferred to a district court pursuant to this subsection, that district court shall:*

(a) Set a time, date and place for its hearing in accordance with NRS 433A.220; and

(b) Appoint counsel for the person, if required by NRS 433A.270.

2. The entire expense of proceedings for involuntary court-ordered admission shall be paid by the county ~~[in which the application is filed, except~~

~~that]~~ where the person to be admitted ~~[last resided in another county of the state the expense shall be charged to and payable by such county of residence.]~~ *resides.*

Sec. 42. 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]~~ *must* advise the person and the person's guardian or next of kin, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.

2. ~~[Any]~~ *The court shall award 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, *public or private mental health facility*, counsel shall *must* continue to represent the person until the person is *unconditionally* released from the program. *facility pursuant to NRS 433A.390.* 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. *facility.* — 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. 43. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court ~~[shall]~~ *must* enter its finding to that effect and the person must not be involuntarily admitted to a public or private mental health facility . ~~[or to a program of community based or outpatient services.]~~ If the person has been

~~[admitted to]~~ *detained in* a public or private mental health facility or hospital *under a mental health crisis hold pursuant to NRS 433A.160, including, without limitation, where the person has been admitted under an emergency admission* pursuant to ~~[NRS 433A.160, *433A.145 or]*~~ *section 10 of this act*, the court must issue a written order requiring the facility or hospital to release the person not later than 24 hours after the court issues the order, unless the person applies for admission as a voluntary consumer pursuant to NRS 433A.140.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held is a person in a mental health crisis, the court may order the involuntary admission of the person ~~[for the most appropriate course of treatment, including, without limitation, admission]~~ to a public or private mental health facility . ~~[or participation in a program of community-based or outpatient services.]~~ The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. ~~[If the district court finds, after proceedings for the involuntary court-ordered admission of a defendant in a criminal proceeding pursuant to subsection 3 of NRS 433A.200:~~

~~(a) That there is not clear and convincing evidence that the defendant with respect to whom the hearing was held is a person in a mental health crisis, the court shall enter its finding to that effect and the person must not be involuntarily admitted to a program of community-based or outpatient services.~~

~~(b) That there is clear and convincing evidence that the defendant with respect to whom the hearing was held is a person in a mental health crisis, except as otherwise provided in this paragraph, the court shall order the involuntary admission of the defendant for participation in a program of community-based or outpatient services and suspend further proceedings in the criminal proceeding against the defendant until the defendant completes or is removed from the program. If the offense allegedly committed by the defendant is a category A or B felony or involved the use or threatened use of force or violence, the court may not order the involuntary admission of the defendant for participation in a program pursuant to this paragraph unless the prosecuting attorney stipulates to the assignment. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390. If the defendant successfully completes a program of community-based or outpatient services to the satisfaction of the court, the court shall dismiss the criminal charges against the defendant with prejudice.~~

~~3. If, pursuant to NRS 176A.400, the district court issues an order granting probation to a defendant in a criminal proceeding with a condition that the defendant submit to mental health treatment and comply with instructions, admission to a program of community-based or outpatient services may be used to satisfy such a condition if the Division makes a clinical determination~~

~~that placement in a program of community based or outpatient services is appropriate.~~

~~4. A court shall not admit a person to a program of community based or outpatient services unless:~~

~~(a) A program of community based or outpatient services is available in the community in which the person resides or is otherwise made available to the person;~~

~~(b) The person is 18 years of age or older;~~

~~(c) The person has a history of noncompliance with treatment for mental illness;~~

~~(d) The person is capable of surviving safely in the community in which he or she resides with available supervision;~~

~~(e) The court determines that, based on the person's history of treatment for mental illness, the person needs to be admitted to a program of community based or outpatient services to prevent further disability or deterioration of the person which presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195;~~

~~(f) The current mental status of the person or the nature of the person's illness limits or negates his or her ability to make an informed decision to seek treatment for mental illness voluntarily or to comply with recommended treatment for mental illness;~~

~~(g) The program of community based or outpatient services is the least restrictive treatment which is in the best interest of the person; and~~

~~(h) The court has approved a plan of treatment developed for the person pursuant to NRS 433A.315.~~

~~5.]~~ Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 ~~[or paragraph (b) of subsection 2]~~ automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection ~~[2]~~ *3* of NRS 433A.390 . ~~[or by the professional responsible for providing or coordinating the program of community based or outpatient services as provided for in subsection 3 of NRS 433A.390.]~~ Except as otherwise provided in NRS 432B.608, at the end of the *involuntary* court-ordered ~~[period of treatment,]~~ *admission,* the Division ~~[,]~~ *or* any mental health facility that is not operated by the Division ~~[or a program of community based or outpatient services]~~ may petition to renew the involuntary admission of the person for additional periods not to exceed 6 months each. For each renewal, the petition must include evidence which meets the same standard set forth in subsection 1 ~~[or 2]~~ that was required for the initial period of admission of the person to a public or private mental health facility . ~~[or to a program of community based or outpatient services.~~

~~6.]~~ *3.* Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, including ~~[involuntary admission~~

~~to a program of community based or outpatient services,~~] *assisted outpatient treatment*, as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person. ~~*If the court determines that there is clear and convincing evidence that the patient meets the criteria prescribed by subsection 4 of section 11 of this act, the court may order the patient to receive involuntary assisted outpatient treatment. The order of the court:*~~

~~*(a) Must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390; and*~~

~~*(b) Is subject to the provisions of subsections 3 to 8, inclusive, of section 18 of this act.*~~

~~7.~~] *4.* If the court issues an order involuntarily admitting a person to a public or private mental health facility ~~[or to a program of community based or outpatient services]~~ pursuant to this section, the court ~~[shall,]~~ *must*, notwithstanding the provisions of NRS 433A.715, cause, within 5 business days after the order becomes final pursuant to this section, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to:

(a) The Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Each law enforcement agency of this State with which the court has entered into an agreement for such transmission, along with a statement indicating that the record is being transmitted for inclusion in each of this State's appropriate databases of information relating to crimes.

~~[8.]~~ *5. After issuing an order pursuant to this section, a court shall not transfer the case to another court.*

6. A public or private mental health facility to which a person is involuntarily admitted pursuant to this section shall notify the court and the counsel for the person if the person is transferred to another facility.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 44. NRS 433A.320 is hereby amended to read as follows:

433A.320 The order for involuntary ~~[court]~~ *court-ordered* admission of any person to a public or private mental health facility ~~[or to a program of community based or outpatient services]~~ must be accompanied by a clinical abstract, including a history of illness, diagnosis, treatment and the names of relatives or correspondents.

Sec. 45. NRS 433A.350 is hereby amended to read as follows:

433A.350 1. Upon admission to any public or private mental health facility or to ~~[a program of community based or outpatient services,]~~ *assisted outpatient treatment*, each consumer and the consumer's spouse and legal guardian, if any, must receive a written statement outlining in simple,

nontechnical language all procedures for release provided by this chapter, setting out all rights accorded to such a consumer by this chapter and chapters 433 and 433B of NRS and, if the consumer has no legal guardian, describing procedures provided by law for adjudication of incapacity and appointment of a guardian for the consumer.

2. Written information regarding the services provided by and means of contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons in a mental health crisis must be posted in each public and private mental health facility and in each location in which ~~[a program of community-based or outpatient services]~~ *assisted outpatient treatment* is provided and must be provided to each consumer upon admission.

Sec. 46. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each consumer must be diligently maintained by any division facility, private institution, facility offering mental health services or ~~[program of community-based or outpatient services. *professional]*~~ *person professionally qualified in the field of psychiatric mental health responsible for providing ~~[or coordinating]~~ assisted outpatient treatment.* The record must include information pertaining to the consumer's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except as otherwise provided in subsection 2 or except:

(a) If the release is authorized or required pursuant to NRS 439.538.

(b) The record must be released to physicians, advanced practice registered nurses, attorneys and social agencies as specifically authorized in writing by the consumer, the consumer's parent, guardian or attorney.

(c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

(d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the consumer.

(e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual consumers.

(f) To the extent necessary for a consumer to make a claim, or for a claim to be made on behalf of a consumer for aid, insurance or medical assistance to which the consumer may be entitled, information from the records may be released with the written authorization of the consumer or the consumer's guardian.

(g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The consumer is a consumer of that office and the consumer or the consumer's legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a consumer was received by the office or there is probable cause to believe that the consumer has been abused or neglected and the consumer:

(I) Is unable to authorize the release of the record because of the consumer's mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

(h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. A division facility, private institution, facility offering mental health services or ~~[program of community-based or outpatient services *professional]*~~ *person professionally qualified in the field of psychiatric mental health responsible for providing* ~~*[or coordinating]*~~ *assisted outpatient treatment* and any other person or entity having information concerning a consumer, including, without limitation, a clinical record, any part thereof or any information contained therein, may disclose such information to a provider of health care to assist with treatment provided to the consumer.

3. As used in this section ~~[:~~

~~(a) "Consumer" includes any person who seeks, on the person's own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, from treatment to competency in a private institution or facility offering mental health services, or from a program of community-based or outpatient services.~~

~~(b) "Provider]~~ *, "provider* of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. NRS 433A.380 is hereby amended to read as follows:

433A.380 1. ~~[Except as otherwise provided in subsection 4, *The medical director of a public or private mental health facility may petition the district court for the conditional release of* any]~~ *Any* person involuntarily admitted ~~*[to the facility]*~~ by a ~~*[that]*~~ court may be conditionally released from a public or private mental health facility when, in the judgment of the medical director of the facility *:* ~~[, the *if the medical director determines that:]~~

(a) The conditional release is in the best interest of the person *, will provide the least restrictive treatment that is appropriate for the person* and will not be detrimental to the public welfare ~~[.]~~ *;*

(b) ~~*[There will be an increased risk for psychiatric deterioration or recurring mental health crises if the person is not released without conditions; and*~~

~~(c)~~ *A community treatment program, social services agency, mobile crisis team or multi-disciplinary team has agreed to provide case management, support and supervision to the person to ensure his or her compliance with the conditions of the release* ~~.~~ ; *and*

(c) The person qualifies to receive case management, support and supervision from the community treatment program, social services agency, mobile crisis team or multi-disciplinary team.

2. ~~*A petition filed pursuant to subsection 1 must be served on the counsel for the person who is the subject of the petition and the district attorney.*~~

~~*3. The court shall hold a hearing not later than 6 days after receiving a petition pursuant to subsection 1 to review the progress of the person. The public or private mental health facility shall not conditionally release the person before the hearing. The court may order the conditional release only if it determines, by clear and convincing evidence, that the criteria prescribed in subsection 1 have been satisfied.*~~

~~*4.*~~ The medical director of the facility or the medical director's designee shall prescribe the period for which the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of ~~[~~treatment~~]~~ *admission* pursuant to NRS 433A.310. If the person has a legal guardian, the facility ~~[~~shall~~]~~ *must* notify the guardian *at least 3 days* before discharging the person from the facility ~~[.]~~ *or, if the person will be released in less than 3 days, as soon as practicable. Notification of the legal guardian must be provided:*

(a) In person or by telephone; or

(b) If the facility is not able to contact the guardian in person or by telephone, by facsimile, electronic mail or certified mail.

3. The legal guardian has discretion to determine where the person will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the person will be released within 3 days after the date of notification, the facility ~~[~~shall~~]~~ *must* discharge the person according to its proposed discharge plan.

~~[~~2. ~~5.]~~ *4. Before conditionally releasing a person from a public or private mental health facility pursuant to this section, the medical director of the facility must notify the court that ordered the involuntary admission. The court may periodically review the appropriateness of the conditional release and the terms thereof, but the court may not terminate the conditional release except through proceedings for involuntary admission pursuant to NRS 433A.200 to 433A.330, inclusive.*

5. When a person is conditionally released pursuant to ~~[~~subsection 1,~~]~~ *this section,* the State or any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person.

~~[~~3.~~]~~ *6.* When a person who has been adjudicated by a court to be incapacitated is conditionally released from a mental health facility, the

administrative officer of the mental health facility shall petition the court for restoration of full civil and legal rights as deemed necessary to facilitate the incapacitated person's rehabilitation. If the person has a legal guardian, the petition must be filed with the court having jurisdiction over the guardianship.

[4. *7.* ~~A person who was involuntarily admitted by a court because he or she was likely to present a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195, may be conditionally released only if, at the time of the release, written notice is given to the court which admitted him or her, to the person's legal guardian and to the district attorney of the county in which the proceedings for admission were held.~~

~~5. *8.* Except as otherwise provided in subsection 7, *10,* the administrative officer of a public or private mental health facility or the administrative officer's designee shall *must apply to the district court to* order a person who is conditionally released from that facility pursuant to this section to return to the facility if a psychiatrist and a member of that person's treatment team who is professionally qualified in the field of psychiatric mental health determine *he or she determines* that the conditional release is no longer appropriate because that person presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195. *is a person in a mental health crisis.* Except as otherwise provided in this subsection, the administrative officer or the designee shall, at least 3 days before the issuance of the order to return, *making such an application,* give written notice of the order *determination* to the court that admitted the person to the facility and to the person's legal guardian. If an emergency exists in which the person presents a substantial likelihood of harm to himself or herself or others, as determined pursuant to NRS 433A.0195, the order *notice* must be submitted to the court and the legal guardian not later than 1 business day after the order *application* is issued. *made.*~~

~~6. *9.* The court shall review *an application for* an order submitted *made* pursuant to subsection 5 *8* and the current condition of the person who was ordered to return to the facility at its next regularly scheduled hearing for the review of petitions for involuntary court-ordered admissions, but in no event later than 5 *6* judicial days after the person is returned to the facility. The administrative officer or the administrative officer's designee shall give written notice to the person who was ordered to return to the facility, to the person's legal guardian and to the person's attorney, if known, of the time, date and place of the hearing and of the facts necessitating that person's return to the facility.~~

~~7. *10.* The provisions of subsection 5 *8* do not apply if the period of conditional release has expired.~~]

Sec. 48. NRS 433A.390 is hereby amended to read as follows:

433A.390 1. When a consumer, involuntarily admitted to a mental health facility or [~~to a program of community-based or outpatient services~~] *required to receive* ~~*[involuntary]*~~ *assisted outpatient treatment* by court order,

is released at the end of the period specified pursuant to NRS 433A.310 ~~[,]~~ *or section 18 of this act, as applicable,* written notice must be given to the admitting court ~~[and to the consumer's legal guardian at least 10]~~ *not later than 3 judicial* days ~~[before]~~ *after* the release of the consumer. The consumer may ~~[then]~~ be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the ~~[professional]~~ *person professionally qualified in the field of psychiatric mental health* responsible for providing ~~[or coordinating]~~ the ~~[program of community based or outpatient services]~~ *assisted outpatient treatment* shall notify the guardian *in the manner prescribed by subsection 6 at least 3 days* before discharging the consumer from the facility or ~~[program.]~~ *treatment* ~~[,]~~ *or, if the consumer will be released in less than 3 days, as soon as practicable.*

2. The legal guardian *of a consumer involuntarily admitted to a mental health facility, if applicable,* has discretion to determine where the consumer will be released ~~[,]~~ *pursuant to subsection 1,* taking into consideration any discharge plan proposed by the facility assessment team . ~~[or the professional responsible for providing or coordinating the program of community based or outpatient services.]~~ If the legal guardian does not inform the facility ~~[or professional]~~ as to where the consumer will be released within 3 days after the date of notification, the facility ~~[or professional shall]~~ *must* discharge the consumer according to its proposed discharge plan.

~~[2.]~~ *3.* A consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in NRS 433A.310 when ~~[:~~

~~(a) An evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a]~~ *the* physician ~~[,]~~ *primarily responsible for treating the patient, a psychiatrist or an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120* determines that the consumer is no longer a person in a mental health crisis . ~~[; and~~

~~(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer.]~~ If the consumer has a legal guardian, the facility shall notify the guardian *in the manner prescribed by subsection 6 at least 3 days* before discharging the consumer from the facility ~~[,]~~ *or, if the consumer will be released in less than 3 days, as soon as practicable.* The legal guardian *, if applicable,* has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

~~[3.]~~ *4.* A consumer who is ~~[involuntarily admitted to a program of community-based or outpatient services]~~ *required to receive ~~[involuntary]~~ assisted outpatient treatment* may be unconditionally released before the period specified in ~~[NRS 433A.310 *or]*~~ *section 18 of this act ~~[, as applicable,]~~* when ~~[:~~

~~(a) The]~~ *the* ~~[professional]~~ *person professionally qualified in the field of psychiatric mental health* responsible for providing ~~[or coordinating]~~ the ~~[program of community-based or outpatient services *involuntary]*~~ *assisted outpatient treatment* for the consumer determines that the consumer ~~[is]~~ no longer ~~[a person in a mental health crisis; and~~

~~(b) Under advisement from an evaluation team established under NRS 433A.250 or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.]~~ *:*

(a) Requires assisted outpatient treatment to prevent further disability or deterioration that presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195; and

(b) Has a limited ability to make an informed decision to voluntarily seek or comply with treatment for his or her mental illness as a result of his or her mental illness.

5. If a consumer who will be released from assisted outpatient treatment pursuant to subsection 4 has a legal guardian, the person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment to the consumer shall notify the guardian in the manner prescribed by subsection 6 at least 3 days before discharging the consumer from the treatment or, if the consumer will be released in less than 3 days, as soon as practicable.

6. Notification of a guardian pursuant to subsection 1, 3 or 5 must be provided:

(a) In person or by telephone; or

(b) If the mental health facility or the person professionally qualified in the field of psychiatric mental health, as applicable, is not able to contact the guardian in person or by telephone, by facsimile, electronic mail or certified mail.

7. A mental health facility or a ~~[professional]~~ person professionally qualified in the field of psychiatric mental health responsible for ~~[coordinating]~~ providing treatment to a consumer shall provide written notice to the admitting court not later than 3 judicial days after unconditionally releasing a consumer pursuant to subsection 3 or 4.

Sec. 49. NRS 433A.460 is hereby amended to read as follows:

433A.460 No person admitted to a public or private mental health facility or ~~[to a program of community-based or outpatient services]~~ *who receives*

~~[involuntary]~~ *assisted outpatient treatment* pursuant to this chapter shall, by reason of such admission ~~[,]~~ *or treatment,* be denied the right to dispose of property, marry, execute instruments, make purchases, enter into contractual relationships, vote and hold a driver's license, unless such person has been specifically adjudicated incapacitated by a court of competent jurisdiction and has not been restored to legal capacity.

Sec. 50. NRS 433A.580 is hereby amended to read as follows:

433A.580 No person may be admitted *or transferred* to a private hospital ~~[,]~~ *or* a division mental health facility ~~[or a program of community based or outpatient services]~~ *, ordered to receive* ~~[involuntary]~~ *assisted outpatient treatment or transferred to a different person professionally qualified in the field of psychiatric mental health to provide assisted outpatient treatment* pursuant to the provisions of this chapter unless mutually agreeable financial arrangements relating to the costs of treatment are made between the private hospital, division facility or ~~[professional]~~ *person professionally qualified in the field of psychiatric mental health* responsible for providing ~~[or coordinating a program of community based or outpatient services involuntary]~~ *assisted outpatient treatment* and the consumer or person requesting his or her admission.

Sec. 51. NRS 433A.600 is hereby amended to read as follows:

433A.600 1. A person who is admitted to a division facility or ~~[to a program of community based or outpatient services]~~ *who receives* ~~[involuntary]~~ *assisted outpatient treatment* operated by the Division and not determined to be indigent and every responsible relative pursuant to NRS 433A.610 of the person shall be charged for the cost of treatment and is liable for that cost. If after demand is made for payment the person or his or her responsible relative fails to pay that cost, the administrative officer or ~~[professional]~~ *person professionally qualified in the field of psychiatric mental health* responsible for providing ~~[or coordinating]~~ the ~~[program of community based or outpatient services, involuntary]~~ *assisted outpatient treatment,* as applicable, may recover the amount due by civil action.

2. All sums received pursuant to subsection 1 must be deposited in the State Treasury and may be expended by the Division for the support of that facility or ~~[program]~~ *of* ~~[involuntary]~~ *assisted outpatient treatment* in accordance with the allotment, transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive.

Sec. 52. NRS 433A.640 is hereby amended to read as follows:

433A.640 1. Once a court has ordered the admission of a person to a division facility, the administrative officer ~~[shall]~~ *must* make an investigation, pursuant to the provisions of this chapter, to determine whether the person or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of admission.

2. If a person is admitted to a division facility or ~~[program of community based or outpatient services]~~ *required to receive* ~~[involuntary]~~

assisted outpatient treatment pursuant to a court order, that person and his or her responsible relatives are responsible for the payment of the actual cost of the treatment and services rendered during his or her admission to the division facility or ~~[program]~~ *while he or she is receiving ~~[involuntary]~~ assisted outpatient treatment* unless the investigation reveals that the person and his or her responsible relatives are not capable of paying the full amount of the costs.

3. Once a court has ordered ~~[the admission of a person to a program of community-based or outpatient services]~~ *a person to receive ~~[involuntary]~~ assisted outpatient treatment* operated by the Division, the ~~[professional]~~ *person professionally qualified in the field of psychiatric mental health* responsible for providing ~~[or coordinating]~~ the ~~[program shall involuntary]~~ *assisted outpatient treatment must* make an investigation, pursuant to the provisions of this chapter, to determine whether the person *receiving the treatment* or his or her responsible relatives pursuant to NRS 433A.610 are capable of paying for all or a portion of the costs that will be incurred during the period of ~~[admission.]~~ *treatment.*

Sec. 53. NRS 433A.650 is hereby amended to read as follows:

433A.650 Determination of ability to pay pursuant to NRS 433A.640 ~~[shall]~~ *must* include investigation of whether the consumer has benefits due and owing to the consumer for the cost of his or her treatment from third-party sources, such as Medicare, Medicaid, social security, medical insurance benefits, retirement programs, annuity plans, government benefits or any other financially responsible third parties. The administrative officer of a division mental health facility or ~~[professional]~~ *person professionally qualified in the field of psychiatric mental health* responsible for providing ~~[or coordinating a program of community-based or outpatient services]~~ *the assisted outpatient treatment* may accept payment for the cost of a consumer's treatment from the consumer's insurance company, Medicare or Medicaid and other similar third parties.

Sec. 54. NRS 433A.660 is hereby amended to read as follows:

433A.660 1. If the consumer, his or her responsible relative pursuant to NRS 433A.610, guardian or the estate neglects or refuses to pay the cost of treatment to the division facility or to the ~~[program of community-based or outpatient services involuntary]~~ *person professionally qualified in the field of psychiatric mental health responsible for providing the assisted outpatient treatment* operated by the Division rendering service pursuant to the fee schedule established under NRS 433.404 or 433B.250, as appropriate, the State is entitled to recover by appropriate legal action all sums due, plus interest.

2. Before initiating such legal action, the division facility or program, as applicable, shall demonstrate efforts at collection, which may include contractual arrangements for collection through a private collection agency.

Sec. 55. NRS 433A.713 is hereby amended to read as follows:

433A.713 1. Each public or private mental health facility and hospital in this State shall, in the manner and time prescribed by regulation of the State Board of Health, report to the Division:

(a) The number of ~~[applications for emergency admission received by]~~ *persons placed on a mental health crisis hold at* the mental health facility or hospital pursuant to NRS 433A.160 during the immediately preceding quarter; and

(b) Any other information prescribed by regulation of the State Board of Health.

2. The State Board of Health may adopt regulations that require a public or private mental health facility or hospital to adopt a plan for the discharge of a person admitted to the facility or hospital in accordance with the provisions of this chapter and that prescribe the contents of such a plan.

Sec. 56. NRS 433A.715 is hereby amended to read as follows:

433A.715 1. A court shall seal all court records relating to ~~[the admission and treatment of any person who was admitted, voluntarily or as the result of a noncriminal proceeding, to a public or private hospital, or a mental health facility or a program of community based or outpatient services who received assisted outpatient treatment in this State for the purpose of obtaining mental health treatment.]~~ *proceedings under this chapter.*

2. Except as otherwise provided in subsections 4, 5 and 6, a person or governmental entity that wishes to inspect records that are sealed pursuant to this section must file a petition with the court that sealed the records. Upon the filing of a petition, the court shall fix a time for a hearing on the matter. The petitioner must provide notice of the hearing and a copy of the petition to the person who is the subject of the records. If the person who is the subject of the records wishes to oppose the petition, the person must appear before the court at the hearing. If the person appears before the court at the hearing, the court must provide the person an opportunity to be heard on the matter.

3. After the hearing described in subsection 2, the court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital ~~[,]~~ *or* a mental health facility or ~~[a program of community based or outpatient services]~~ *received assisted outpatient treatment* in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records; or

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition.

4. A governmental entity is entitled to inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if:

(a) The governmental entity has made a conditional offer of employment to the person who is the subject of the records;

(b) The position of employment conditionally offered to the person concerns public safety, including, without limitation, employment as a firefighter or peace officer;

(c) The governmental entity is required by law, rule, regulation or policy to obtain the mental health records of each individual conditionally offered the position of employment; and

(d) An authorized representative of the governmental entity presents to the court a written authorization signed by the person who is the subject of the records and notarized by a notary public or judicial officer in which the person who is the subject of the records consents to the inspection of the records.

5. Upon the request of a public or private hospital or a mental health facility to which a person has been admitted in this State, the court shall:

(a) Authorize the release of a copy of any order which was entered by the court pursuant to paragraph (b) of subsection 1 of NRS 433A.310 *or paragraph (b) of subsection 1 of section 18 of this act* if:

(1) The request is in writing and includes the name and date of birth of the person who is the subject of the requested order; and

(2) The hospital or facility certifies that:

(I) The person who is the subject of the requested order is, at the time of the request, admitted to the hospital or facility and is being treated for an alleged mental illness; and

(II) The requested order is necessary to improve the care which is being provided to the person who is the subject of the order.

(b) Place the request in the record under seal.

6. Upon its own order, any court of this State may inspect court records that are sealed pursuant to this section without following the procedure described in subsection 2 if the records are necessary and relevant for the disposition of a matter pending before the court. The court may allow a party in the matter to inspect the records without following the procedure described in subsection 2 if the court deems such inspection necessary and appropriate.

7. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital ~~[,]~~ *or* mental health facility or ~~[program of community-based or outpatient services,]~~ *the assisted outpatient treatment of the person who is the subject of the records* is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with:

(a) An application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive;

(b) A transfer of a firearm; or

(c) An application for a position of employment described in subsection 4.

8. A court may disclose information contained in a record sealed pursuant to this section to a provider of health care to assist with treatment provided to the consumer.

9. As used in this section:

(a) "Firefighter" means a person who is a salaried employee of a fire-fighting agency and whose principal duties are to control, extinguish, prevent and suppress fires. As used in this paragraph, "fire-fighting agency" means a public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish, prevent and suppress fires.

(b) "Peace officer" has the meaning ascribed to it in NRS 289.010.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 57. NRS 433A.750 is hereby amended to read as follows:

433A.750 1. A person who:

(a) Without probable cause for believing a person is a person in a mental health crisis causes or conspires with or assists another to cause the involuntary court-ordered admission of the person under this chapter; or

(b) Causes or conspires with or assists another to cause the denial to any person of any right accorded to the person under this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided in subsection 1, a person who knowingly and willfully violates any provision of this chapter regarding the admission of a person to, or discharge of a person from, a public or private mental health facility or ~~[a program of community-based or outpatient services]~~ *the commencement or termination of* ~~*[involuntary]*~~ *assisted outpatient treatment* is guilty of a gross misdemeanor.

3. A person who, without probable cause for believing another person is a person in a mental health crisis, executes a petition, application or certificate pursuant to this chapter, by which the person secures or attempts to secure the apprehension, hospitalization, detention, admission or restraint of the person alleged to be a person in a mental health crisis, or any physician, psychiatrist, ~~[licensed]~~ psychologist, advanced practice registered nurse or other person professionally qualified in the field of psychiatric mental health who knowingly makes any false certificate or application pursuant to this chapter as to the mental condition of any person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 58. NRS 3.0105 is hereby amended to read as follows:

3.0105 1. There is hereby established, in each judicial district that includes a county whose population is 100,000 or more, a family court as a division of the district court.

2. If the caseload of the family court so requires, the Chief Judge may assign one or more district judges of the judicial district to act temporarily as judges of the family court.

3. If for any reason a judge of the family court is unable to act, any other district judge of the judicial district may be assigned as provided in subsection 2 to act temporarily as judge of the family court.

4. A district judge assigned to the family court pursuant to subsection 2 or 3 for a period of 90 or more days, except for a district judge or hearing master assigned to hear proceedings brought pursuant to NRS 433A.200 to 433A.330, inclusive, *or sections 11 to 21, inclusive, of this act* must attend the instruction required pursuant to subsection 1 of NRS 3.028. District judges must not be assigned to the family court pursuant to subsections 2 and 3 on a rotating basis.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) *Brought pursuant to sections 11 to 21, inclusive, of this act to require a person to receive ~~[involuntary]~~ assisted outpatient treatment.*

(k) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the report by the Administrator or the

Administrator's designee is sent to them, the judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the treatment team on their report.

2. If the judge orders the appointment of a licensed psychiatrist or psychologist who is not employed by the Division to perform an additional evaluation and report concerning the defendant, the cost of the additional evaluation and report is a charge against the county.

3. Within 10 days after the hearing or 10 days after the report is sent, if no hearing is requested, the judge shall make and enter a finding of competence or incompetence, and if the judge finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or herself or to society.

4. If the judge finds the defendant:

(a) Competent, the judge shall, within 10 days, forward the finding to the prosecuting attorney and counsel for the defendant. Upon receipt thereof, the prosecuting attorney shall notify the sheriff of the county or chief of police of the city that the defendant has been found competent and prearrange with the facility for the return of the defendant to that county or city for trial upon the offense there charged or the pronouncement of judgment, as the case may be.

(b) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is dangerous to himself or herself or to society, the judge shall recommit the defendant and may order the involuntary administration of medication for the purpose of treatment to competency.

(c) Incompetent, but there is a substantial probability that the defendant can receive treatment to competency and will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that the defendant is not dangerous to himself or herself or to society, the judge shall order that the defendant remain an outpatient or be transferred to the status of an outpatient under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, the judge shall order the defendant released from custody or, if the defendant is an outpatient, released from any obligations as an outpatient if, within 10 judicial days, the prosecuting attorney has not filed a motion pursuant to NRS 178.461 or if, within 10 judicial days, a petition is not filed ~~[to commit]~~ *for the involuntary court-ordered admission of* the person *to a mental health facility* pursuant to NRS 433A.200. After the initial 10 judicial days, the person may remain an outpatient or in custody under the provisions of this chapter only as long as the motion or petition is pending unless the person is committed to the custody of the Administrator pursuant to

NRS 178.461 or involuntarily ~~[committed]~~ *admitted to a mental health facility* pursuant to chapter 433A of NRS.

5. Except as otherwise provided in subsections 4 and 7 of NRS 178.461, no person who is committed under the provisions of this chapter may be held in the custody of the Administrator or the Administrator's designee longer than the longest period of incarceration provided for the crime or crimes with which the person is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period provided in this section, subsection 4 or 7 of NRS 178.461 or subsection 4 of NRS 178.463, the person must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Sec. 61. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~[,]~~ *or section 18 of this act*, the Central Repository:

(a) Shall take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and

(b) May take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center.

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

(a) The basis for the adjudication reported in the record no longer exists;

(b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

(c) The information reported in the record must be removed from the National Instant Criminal Background Check System and the National Crime Information Center.

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~[,]~~ *or section 18 of this act*, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository.

4. A petition filed pursuant to subsection 2 must be:

(a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~[,]~~ *or section 18 of this act;* and

(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 *or section 18 of this act* concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 *or section 18 of this act* is removed from the National Instant Criminal Background Check System and the National Crime Information Center, if applicable.

10. If the Central Repository fails to remove a record as provided in subsection 9, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 62. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for a purpose related to criminal justice, including, without limitation, inclusion in the appropriate database of the National Instant Criminal Background Check System and the National Crime Information Center, if applicable. The Central Repository may disclose the record to any agency of criminal justice.

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or 433A.310 ~~[,]~~ *or section 18 of this act*, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 63. NRS 179A.167 is hereby amended to read as follows:

179A.167 1. The Central Repository shall permit a person who is or believes he or she may be the subject of information relating to records of mental health held by the Central Repository to inspect and correct any information contained in such records.

2. The Central Repository shall adopt regulations and make available necessary forms to permit inspection, review and correction of information relating to records of mental health by those persons who are the subjects thereof. The regulations must specify:

(a) The requirements for proper identification of the persons seeking access to the records; and

(b) The reasonable charges or fees, if any, for inspecting records.

3. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information or records of mental health by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of mental health found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A reasonable time limit within which inaccurate or insufficient information relating to records of mental health must be corrected and the corrected information disseminated.

4. As used in this section, "information relating to records of mental health" means information contained in a record:

(a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 ~~[,]~~ *or section 18 of this act;* or

(b) Transmitted to the National Instant Criminal Background Check System or the National Crime Information Center pursuant to NRS 179A.163.

Sec. 64. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol

Division of the Department of Public Safety, develop a model plan for the management of:

(a) A suicide; or

(b) A crisis or emergency that involves a public school or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) In response to a crisis or emergency:

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(2) Accounting for all persons within a school;

(3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school;

(10) Providing shelter in specific areas of a school; and

(11) Providing disaster behavioral health related to a crisis, emergency or suicide;

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) An incident involving a fire, explosion or other similar situation;

(5) An outbreak of disease;

(6) Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

(7) Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis or emergency with access to counseling and other resources to assist in recovering from the crisis or emergency;

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the

school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school;

(e) Selecting an assessment tool which assists in responding to a threat against the school by a pupil or pupils;

(f) On an annual basis, providing drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency. Such drills must occur:

(1) At different times during normal school hours; and

(2) In cooperation with other state agencies, pursuant to this section.

(g) Responding to a suicide or attempted suicide to mitigate the effects of the suicide or attempted suicide on pupils and staff at the school, including, without limitation, by making counseling and other appropriate resources to assist in recovering from the suicide or attempted suicide available to pupils and staff;

(h) Providing counseling and other appropriate resources to pupils and school staff who have contemplated or attempted suicide;

(i) Outreach to persons and organizations located in the community in which a school that has had a suicide by a pupil, including, without limitation, religious and other nonprofit organizations, that may be able to assist with the response to the suicide;

(j) Addressing the needs of pupils at a school that has experienced a crisis, emergency or suicide who are at a high risk of suicide, including, without limitation, pupils who are members of the groups described in subsection 3 of NRS 388.256; and

(k) Responding to a pupil who is determined to be a person in mental health crisis, as defined in NRS 433A.0175, including, without limitation:

(1) Utilizing mobile mental health crisis response units, where available, before transporting the pupil to a public or private mental health facility pursuant to subparagraph (2); and

(2) Transporting the pupil to a public or private mental health facility or hospital for ~~[admission]~~ *placement on a mental health crisis hold* pursuant to NRS ~~[433A.150.]~~ *433A.160*.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 65. NRS 388.476 is hereby amended to read as follows:

388.476 "Chemical restraint" means the administration of drugs *to a person* for the specific and exclusive purpose of controlling an acute or episodic ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less restrictive* alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs ~~[on a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or* physical ~~[, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.]~~ *condition of the person.*

Sec. 66. NRS 394.355 is hereby amended to read as follows:

394.355 "Chemical restraint" means the administration of drugs *to a person* for the specific and exclusive purpose of controlling an acute or episodic ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less restrictive* alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs ~~[on a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or* physical ~~[, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.]~~ *condition of the person.*

Sec. 67. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a psychiatric hospital that meets the requirements of this section.

2. A psychiatric hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the psychiatric hospital to which the endorsement will apply:

(a) Does not exceed a capacity of 16 beds or constitute an institution for mental diseases, as defined in 42 U.S.C. § 1396d;

(b) Operates in accordance with established administrative protocols, evidenced-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;

(c) Delivers crisis stabilization services:

(1) To patients for not less than 24 hours in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the psychiatric hospital has such beds;

(2) In accordance with best practices for the delivery of crisis stabilization services; and

(3) In a manner that promotes concepts that are integral to recovery for persons with mental illness, including, without limitation, hope, personal empowerment, respect, social connections, self-responsibility and self-determination;

(d) Employs qualified persons to provide peer support services, as defined in NRS 449.01566, when appropriate;

(e) Uses a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;

(f) Accepts all patients, without regard to:

(1) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;

(2) Any social conditions that affect the patient;

(3) The ability of the patient to pay; or

(4) Whether the patient is admitted voluntarily to the psychiatric hospital pursuant to NRS 433A.140 or admitted to the psychiatric hospital under an emergency admission pursuant to ~~[NRS 433A.150; *433A.145 or]*~~ *section 10 of this act;*

(g) Performs an initial assessment on any patient who presents at the psychiatric hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;

(h) Has the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and

(i) Considers whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.

4. Crisis stabilization services that may be provided pursuant to paragraph (c) of subsection 3 may include, without limitation:

(a) Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;

(b) Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;

(c) Treatment specific to the diagnosis of a patient; and

(d) Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.

5. An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:

(a) The information described in subsection 3; and

(b) Proof that the psychiatric hospital is accredited by the Commission on Accreditation of Rehabilitation Facilities, or its successor organization, or the Joint Commission, or its successor organization.

6. As used in this section, "crisis stabilization services" means behavioral health services designed to:

(a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

(b) When appropriate, avoid admission of a patient to another inpatient mental health facility or hospital and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

Sec. 68. NRS 449A.206 is hereby amended to read as follows:

449A.206 "Chemical restraint" means the administration of drugs *to a person* for the specific and exclusive purpose of controlling an acute or episodic ~~[aggressive]~~ behavior *that places the person or others at a risk of harm* when *less restrictive* alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs ~~[on a regular basis, as]~~ prescribed by a physician, ~~[to treat the symptoms of]~~ *physician assistant or advanced practice registered nurse as standard treatment for the* mental ~~[,]~~ *or* physical ~~[, emotional or behavioral disorders and for assisting a person in gaining self-control over his or her impulses.]~~ *condition of the person.*

Sec. 69. NRS 449A.636 is hereby amended to read as follows:

449A.636 1. When acting under the authority of an advance directive for psychiatric care, an attending physician or other provider of health care shall comply with the advance directive unless:

(a) Compliance, in the opinion of the attending physician or other provider, is not consistent with generally accepted standards of care for the provision of psychiatric care for the benefit of the principal;

(b) Compliance is not consistent with the availability of psychiatric care requested;

(c) Compliance is not consistent with applicable law;

(d) The principal is admitted to a mental health facility or hospital pursuant to NRS 433A.145 to 433A.330, inclusive, *or required to receive ~~[involuntary]~~*

assisted outpatient treatment pursuant to sections 11 to 21, inclusive, of this act and a course of treatment is required pursuant to those provisions; or

(e) Compliance, in the opinion of the attending physician or other provider, is not consistent with appropriate psychiatric care in case of an emergency endangering the life or health of the principal or another person.

2. In the event that one part of the advance directive is unable to be followed because of any of the circumstances set forth in subsection 1, all other parts of the advance directive must be followed.

Sec. 70. NRS 450.470 is hereby amended to read as follows:

450.470 1. If the county hospital is located at the county seat, the board of hospital trustees shall, at all times, provide a suitable room that may be used for the examination of persons who are alleged to ~~[have mental illness]~~ *be persons in a mental health crisis* and who are to be brought before the judge of the district court for proceedings to determine the issue of involuntary court-ordered admission as provided in chapter 433A of NRS. This section does not prohibit or limit the examination of persons alleged to have mental illness at a private hospital as provided in chapter 433A of NRS.

2. The board of trustees of such a county hospital, in cooperation with the local law enforcement agencies, may provide a suitable room that may be used for the custodial supervision of persons who are alleged to:

(a) ~~[Have mental illness;]~~ *Be persons in a mental health crisis;* or

(b) Be dangerous to themselves or others.

Sec. 71. NRS 629.550 is hereby amended to read as follows:

629.550 1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall ~~[apply for the emergency admission of]~~ *place* the patient ~~[to a mental health facility]~~ *on a mental health crisis hold* pursuant to NRS 433A.160 *, petition for a court to order the placement of the patient on a mental health crisis hold pursuant to section 9 of this act* or make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional shall be deemed to have made a reasonable effort to communicate a threat pursuant to subsection 1 if:

(a) The mental health professional actually communicates the threat in a timely manner; or

(b) The mental health professional makes a good faith attempt to communicate the threat in a timely manner and the failure to actually communicate the threat in a timely manner does not result from the negligence or recklessness of the mental health professional.

3. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

4. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220 or the commercial sexual exploitation of a child pursuant to NRS 432C.110; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) Who is in the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

5. As used in this section, "mental health professional" includes:

(a) A physician or psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS or authorized to practice psychology in this State pursuant to the Psychology Interjurisdictional Compact enacted in NRS 641.227;

(c) A social worker who:

(1) Holds a master's degree in social work;

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(d) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field;

(e) A marriage and family therapist licensed pursuant to chapter 641A of NRS;

(f) A clinical professional counselor licensed pursuant to chapter 641A of NRS; and

(g) A person who is working in this State within the scope of his or her employment by the Federal Government, including, without limitation, employment with the Department of Veterans Affairs, the military or the Indian Health Service, and is:

(1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug counselor or clinical alcohol and drug counselor in another state;

(2) Licensed as a social worker in another state and holds a master's degree in social work; or

(3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Sec. 72. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the diagnoses, evaluations and examinations described in NRS ~~[433A.160,]~~ 433A.240, *433A.390,* 433A.430, 484C.300, 484C.320, 484C.330, 484C.340 and 484C.350 and *sections 10* ~~*[,]*~~ *and 11* ~~*[and 22]*~~ *of this act,* the certifications described in NRS 433A.170, 433A.195 and 433A.200 ~~[.]~~ *and the sworn statements or declarations described in NRS 433A.210 and section 11 of this act.*

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

(e) Develop and disseminate annually to each registered nurse who cares for children information concerning the signs and symptoms of pediatric cancer.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

➥ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 73. 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 ~~[,]~~ *and section 10 of this act, make a sworn statement or declaration described in NRS 433A.210 and section 11 of this act and perform an evaluation described in section 11* ~~*[or 22]*~~ *of this act;*

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

(d) Regulations prescribing standards concerning the electronic supervision of interns working at remote sites; 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.

Sec. 74. 1. The amendatory provisions of NRS 433A.145, as amended by section 28 of this act, apply to any person:

(a) Who has been admitted to a public or private mental facility; and

(b) Whose status is that of a voluntary consumer on or after October 1, 2021, regardless of the date on which he or she was admitted.

2. The amendatory provisions of NRS 433A.165, 433A.185, 433A.195, 433A.200 and 433A.310, as amended by sections 31, 33, 35, 36 and 43 of this act, respectively, apply to any person:

(a) Who has been admitted to a public or private mental facility or hospital; and

(b) Whose status is that of an emergency consumer on or after October 1, 2021, regardless of the date on which he or she was admitted.

3. Any person who was involuntarily admitted to a program of community-based or outpatient services before October 1, 2021, by a court order that remains effective on that date shall be deemed to have been ordered to receive ~~[involuntary]~~ assisted outpatient treatment pursuant to section 18 of this act.

4. The amendatory provisions of NRS 433A.380 and 433A.390, as amended by sections 47 and 48 of this act, respectively, apply to any person who has been admitted to a public or private mental health facility pursuant to a court order that is effective on October 1, 2021, regardless of the date on which he or she was admitted.

5. The amendatory provisions of ~~[section 22 of this act and]~~ NRS 433A.220 and 433A.380, as amended by sections 39 and 47 of this act, respectively, apply to any person who has been conditionally released from a public or private mental health facility where the conditional release is effective on October 1, 2021, regardless of the date on which he or she was conditionally released.

6. As used in this section, "assisted outpatient treatment" has the meaning ascribed to it in NRS 433A.019, as amended by section 24 of this act.

Sec. 75. NRS 433A.315, 433A.323 and 433A.327 are hereby repealed.

Sec. 76. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 75, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and 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.

TEXT OF REPEALED SECTIONS

433A.315 Development of written plan for course of treatment and program of community-based or outpatient services. If a court determines pursuant to NRS 433A.310 that a person should be involuntarily admitted to a program of community-based or outpatient services, the court shall promptly cause two or more persons professionally qualified in the field of psychiatric mental health, which may include the person who filed the petition for involuntary court-ordered admission pursuant to NRS 433A.200 if he or she is so qualified, in consultation with the person to be involuntarily admitted, to develop and submit to the court a written plan prescribing a course of treatment and enumerating the program of community-based or outpatient services for the person. The plan must include, without limitation:

1. A description of the types of services in which the person will participate;

2. The medications, if any, which the person must take and the manner in which those medications will be administered;

3. The name of the person professionally qualified in the field of psychiatric mental health who is responsible for providing or coordinating the program of community-based or outpatient services; and

4. Any other requirements which the court deems necessary.

433A.323 Failure to participate in program or carry out plan of treatment: Petition and order to take person into custody; evaluation.

1. When a person who is involuntarily admitted to a program of community-based or outpatient services fails to participate in the program or otherwise fails to carry out the plan of treatment developed pursuant to NRS 433A.315, despite efforts by the professional responsible for providing or coordinating the program of community-based or outpatient services for the person to solicit the person's compliance, the professional may petition the court to issue an order requiring a peace officer to take into custody and deliver the person to the appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240. The petition must be accompanied by:

(a) A copy of the order for involuntary admission;

(b) A copy of the plan of treatment submitted to the court pursuant to NRS 433A.315;

(c) A list that sets forth the specific provisions of the plan of treatment which the person has failed to carry out; and

(d) A statement by the petitioner which explains how the person's failure to participate in the program of community-based or outpatient services or failure to carry out the plan of treatment will likely cause the person to harm himself or herself or others.

2. If the court determines that there is probable cause to believe that the person is likely to harm himself or herself or others if the person does not comply with the plan of treatment, the court may issue an order requiring a peace officer to take into custody and deliver the person to an appropriate location for an evaluation by an evaluation team from the Division pursuant to NRS 433A.240.

3. As used in this section, "appropriate location" does not include a jail or prison.

433A.327 Conditional release of person in program: When allowed; no liability of State; notice to court, district attorney and legal guardian; order to resume participation in program; judicial review of order to resume participation in program.

1. Except as otherwise provided in subsection 3, any person involuntarily admitted to a program of community-based or outpatient services may be conditionally released from the program when, in the judgment of the professional responsible for providing or coordinating the program of community-based or outpatient services, the person does not present a substantial likelihood of serious harm to himself or herself or others. The professional responsible for providing or coordinating the program of community-based or outpatient services shall prescribe the period for which

the conditional release is effective. The period must not extend beyond the last day of the court-ordered period of admission to a program of community-based or outpatient services pursuant to NRS 433A.310.

2. When a person is conditionally released pursuant to subsection 1, the State of Nevada, the agents and employees of the State or a mental health facility, the professionals responsible for providing or coordinating programs of community-based or outpatient services and any other professionals providing mental health services are not liable for any debts or contractual obligations incurred, medical or otherwise, or damages caused by the actions of the person who is released.

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, written notice is given to the court which ordered the person to participate in the program, to the attorney of the person and to the district attorney of the county in which the proceedings for admission were held.

4. Except as otherwise provided in subsection 6, the professional responsible for providing or coordinating the program of community-based or outpatient services shall order a person who is conditionally released pursuant to subsection 1 to resume participation in the program if the professional determines that the conditional release is no longer appropriate because that person presents a substantial likelihood of serious harm to himself or herself or others, as determined pursuant to NRS 433A.0195. Except as otherwise provided in this subsection, the professional responsible for providing or coordinating the program of community-based or outpatient services shall, at least 3 days before the issuance of the order to resume participation, give written notice of the order to the court that admitted the person to the program. If an emergency exists in which the person presents a substantial likelihood of serious harm to himself or herself or others, the order must be submitted to the court not later than 1 business day after the order is issued.

5. The court shall review an order submitted pursuant to subsection 4 and the current condition of the person who was ordered to resume participation in a program of community-based or outpatient services at the next regularly scheduled hearing for the review of petitions for involuntary admissions, but in no event later than 5 judicial days after participation in the program is resumed. The court shall serve notice on the person who was ordered to resume participation in the program and to his or her attorney of the time, date and place of the hearing and of the facts necessitating that the person resume participation in the program.

6. The provisions of subsection 4 do not apply if the period of conditional release has expired.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 51 to Senate Bill No. 70 makes numerous changes to the bill. Among other things, it deletes the term "involuntary" as it relates to assisted outpatient treatment. It revises

various definitions. It deletes sections 19, 20, 22 and 25 of the bill. It deletes provisions requiring the court to order an independent evaluation by certain health-care providers to determine whether a person who is the subject of a petition for an order requiring Assisted Outpatient Treatment (AOT) meets certain criteria. It requires the administrative officer of a public or private mental-health facility or hospital in which an unemancipated minor is placed on a mental-health crisis hold to document each attempt to provide notice of the hold to the minor's parent or legal guardian. It requires courts to be notified when certain individuals are transferred from one mental-health facility or hospital to another. It makes various changes to conditional release from a mental-health facility, and it requires notification to be provided to the guardian of a person who will be released from AOT prior to the person's discharge.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 219.

SUMMARY—Revises provisions relating to education. (BDR 34-77)

AN ACT relating to education; requiring the boards of trustees of certain school districts to develop a plan to improve certain pupil to personnel ratios; requiring the boards of trustees of certain school districts to submit an annual report on the plan to the Department of Education; requiring the Department to compile and submit the reports to certain governmental entities; requiring school counselors, school psychologists and school social workers to complete certain continuing education; requiring the Commission on Professional Standards in Education and the Board of Examiners for Social Workers to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to develop nonbinding recommendations for the ratio of pupils to certain personnel in public schools. (NRS 388.890) Section 1 of this bill requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to develop a plan to improve ratios of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board. Section 1 provides that the plan must include, without limitation: (1) strategies to recruit and retain specialized instructional support personnel; and (2) annual targets. Section 1 further requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to submit an annual report on the implementation of the plan to the Department of Education. Section 1 requires the Department to submit a compilation of the reports it receives to: (1) the Governor; (2) in odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; (3) in even-numbered years, the Legislative Committee on Education; and (4) the State Board.

Existing law outlines the duties of a school counselor, school psychologist and school social worker. (NRS 391.293, 391.294, 391.296) Section 2 of this bill requires each school counselor [,] and school psychologist [and school social worker] to complete continuing education as determined by the Commission on Professional Standards in Education [. Section 2] and requires the Commission to adopt regulations relating to the continuing education of school counselors [,] and school psychologists . [and school social workers.] Section 2 requires each school social worker to complete continuing education as determined by the Board of Examiners for Social Workers and requires the Board to adopt regulations relating to the continuing education of school social workers.

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:

1. The board of trustees of a school district in a county whose population is 100,000 or more shall develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio recommended by the State Board pursuant to NRS 388.890. The plan must include, without limitation:

(a) Strategies to recruit and retain school counselors, school psychologists and school social workers and other specialized instructional support personnel; and

(b) Annual targets to meet the ratio of pupils to specialized instructional support personnel recommended by the State Board pursuant to NRS 388.890.

2. On or before October 1 of each year, the board of trustees of a school district in a county whose population is 100,000 or more shall submit to the Department a report on the implementation of the plan developed pursuant to subsection 1 for the immediately preceding school year. The report must include, without limitation:

(a) The ratio of pupils to specialized instructional support personnel for the immediately preceding school year, disaggregated by type of specialized instructional support personnel, and any progress made to meet the recommended ratio;

(b) An evaluation of the strategies to recruit and retain specialized instructional support personnel implemented pursuant to paragraph (a) of subsection 1; and

(c) A strategy to be implemented over the next school year to meet the annual targets identified pursuant to paragraph (b) of subsection 1.

3. On or before February 1 of each year, the Department shall submit a compilation of the reports submitted to the Department pursuant to subsection 2 to:

(a) The Governor;

(b) In odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education;

(c) In even-numbered years, the Legislative Committee on Education; and

(d) The State Board.

4. The compilation prepared by the Department pursuant to subsection 3 must allow the information included in the report to be disaggregated by school district. The Department shall post a copy of the compilation on its Internet website.

5. As used in this section, "specialized instructional support personnel" has the meaning ascribed to it in NRS 388.890.

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school counselor ~~[,]~~ and school psychologist ~~[and school social worker]~~ shall complete continuing education as determined by the Commission.

2. The Commission shall adopt regulations establishing continuing education requirements for school counselors ~~[,]~~ and school psychologists ~~[and school social workers.]~~ The regulations must include, without limitation, the amount of continuing education a school counselor ~~[,]~~ or school psychologist ~~[or school social worker]~~ must complete pursuant to ~~[this section.]~~ subsection 1.

3. Each school social worker shall complete continuing education as determined by the Board of Examiners for Social Workers.

4. The Board of Examiners for Social Workers shall adopt regulations establishing continuing education requirements for school social workers. The regulations must include, without limitation, the amount of continuing education a school social worker must complete pursuant to subsection 3.

Sec. 3. 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. 4. 1. This section becomes effective upon passage and approval.

2. Sections 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2022, for all other purposes.

3. Section 1 of this act becomes effective on July 1, 2021.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 219 to Senate Bill No. 151 requires the Board of Examiners for Social Workers to adopt regulations establishing continuing education requirements for school social workers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 133.

SUMMARY—Revises provisions relating to education. (BDR 34-819)

AN ACT relating to education; authorizing a university school for profoundly gifted pupils to enter into a cooperative agreement to provide dual credit courses; authorizing a school district , ~~[or]~~ charter school or university school for profoundly gifted pupils to enter into a cooperative agreement to provide dual credit courses with an institution of higher education located in another ~~[state;]~~ state under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district and charter school to enter into a cooperative agreement with a community college, state college or university to offer dual credit courses to pupils enrolled in the school district or charter school. Under existing law, a community college, state college or university is required to provide a copy of any such cooperative agreement to the Nevada System of Higher Education and the Department of Education. (NRS 389.310) ~~[This]~~ Section 2 of this bill authorizes a university school for profoundly gifted pupils to enter into a cooperative agreement to offer dual credit courses. Section 2 also clarifies that the community college, state college or university with which a school district , ~~[or]~~ charter school ~~[is required to enter]~~ or university school for profoundly gifted pupils enters into such a cooperative agreement must be located in this State ~~[. This bill]~~ and accredited by a regional accrediting agency recognized by the United States Department of Education. Section 2 also authorizes a school district , ~~[or]~~ charter school or university school for profoundly gifted pupils to similarly enter into a cooperative agreement with ~~[an]~~ a regionally accredited institution of higher education located in another state to offer dual credit courses that are not offered by a community college, state college or university located in this State to pupils enrolled in the school district , ~~[or]~~ charter school ~~[. This bill]~~ or university school for profoundly gifted pupils. Finally, section 2 requires an institution of higher education located in another state that enters into a cooperative agreement with a school district , ~~[or]~~ charter school or university school for profoundly gifted pupils in this State to provide a copy of the agreement to the Department. Section 1 of this bill makes a conforming change relating to university schools for profoundly gifted pupils entering into cooperative agreements to offer dual credit courses.

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

Section 1. NRS 389.300 is hereby amended to read as follows:

389.300 1. Except as otherwise provided in this subsection, a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school, who wishes to enroll in a dual credit

course must, at least 60 days before the last day of the semester that immediately precedes the semester in which the pupil intends to enroll in a dual credit course, submit an application on the form prescribed pursuant to subsection 2 to the superintendent of schools of the school district or his or her designee or the administrator of the charter school ~~[,]~~ *or university school for profoundly gifted pupils,* as applicable. The superintendent or his or her designee or the administrator of a charter school ~~[,]~~ *or university school for profoundly gifted pupils,* as applicable, may, in his or her discretion, waive the period for submitting an application prescribed by this subsection.

2. The board of trustees of a school district or the governing body of a charter school *or university school for profoundly gifted pupils* shall create, publish and make publicly available an application for enrollment in a dual credit course. The application must, without limitation:

(a) Provide for enrollment in more than one dual credit course using a single application;

(b) Specify the dual credit course or courses in which the applicant seeks to concurrently enroll; and

(c) Be consistent with any regulations adopted by the State Board.

3. The superintendent of schools of a school district or his or her designee or the administrator of a charter school ~~[,]~~ *or university school for profoundly gifted pupils,* as applicable, shall approve or disapprove each application submitted pursuant to subsection 1 and provide notice of the approval or disapproval to the applicant.

4. A pupil must satisfactorily complete the prerequisites for a dual credit course before he or she may enroll in the course. If a pupil does not satisfactorily complete the prerequisites for a dual credit course, the community college, state college or university that provides the dual credit course may allow the pupil to enroll in another course for which the pupil has satisfactorily completed the prerequisites without requiring the pupil to submit a new application.

~~[Section 1.]~~ *Sec. 2.* NRS 389.310 is hereby amended to read as follows:

389.310 1. Each school district and charter school shall *and a university school for profoundly gifted pupils may* enter into cooperative agreements with one or more community colleges, state colleges and universities *located in this State and accredited by a regional accrediting agency recognized by the United States Department of Education* to offer dual credit courses to pupils enrolled in the school district *,* ~~[or]~~ charter school ~~[,]~~ *or university school for profoundly gifted pupils. A school district , [or] charter school or university school for profoundly gifted pupils may enter into cooperative agreements with one or more institutions of higher education located in another state and accredited by a regional accrediting agency recognized by the United States Department of Education to offer dual credit courses that are not offered by a community college, state college or university located in this State to pupils enrolled in the school district , [or] charter school [,] or university school for profoundly gifted pupils.*

2. Each cooperative agreement entered into pursuant to this section must include, without limitation:

(a) Provisions specifying the amount of credit to be awarded for the successful completion of the dual credit course;

(b) A requirement that any credits earned by a pupil for the successful completion of a dual credit course must be applied toward earning a credential, certificate or degree, as applicable, at the community college, state college or university that provides the dual credit course;

(c) An explanation of the manner in which the tuition for the dual credit course will be paid, including, without limitation, whether:

(1) The school district, ~~[or]~~ charter school *or university school for profoundly gifted pupils* will pay all or a portion of the tuition for the dual credit course;

(2) A pupil is responsible for paying all or a portion of the tuition for the dual credit course;

(3) Grants from the Department are available and will be applied to pay all or a portion of the tuition for the dual credit course; and

(4) Any other funding source, including federal funding sources or sources from private entities, will be applied by the school district, ~~[or]~~ charter school *or university school for profoundly gifted pupils* to pay all or a portion of the tuition for the dual credit course;

(d) A requirement that the school district, ~~[or]~~ charter school *or university school for profoundly gifted pupils* establish an academic program for each pupil enrolled in the dual credit course that includes, as applicable, the academic plan developed for the pupil pursuant to NRS 388.205;

(e) Assignment by the school district, ~~[or]~~ charter school *or university school for profoundly gifted pupils* of a unique identification number to each pupil who is enrolled in the dual credit course;

(f) A requirement that the community college, state college or university that provides the dual credit course retain the unique identification number assigned to each pupil pursuant to paragraph (e);

(g) A written consideration and identification of the ways in which a pupil who is enrolled in a dual credit course can remain eligible for interscholastic activities; and

(h) Any other financial or other provisions that the school district, ~~[or]~~ charter school *or university school for profoundly gifted pupils* and the community college, state college or university that provides the dual credit course deem appropriate.

3. A community college, state college or university that offers a dual credit course shall provide to the Nevada System of Higher Education and the Department a copy of each cooperative agreement entered into by the community college, state college or university pursuant to subsection 1. *An institution of higher education located in another state that enters into a cooperative agreement with a school district, ~~[or]~~ charter school or university school for profoundly gifted pupils in this State to offer a dual credit course*

shall provide to the Department a copy of each cooperative agreement entered into by the institution of higher education pursuant to subsection 1.

4. The Nevada System of Higher Education , *if applicable,* and the Department shall retain a copy of each cooperative agreement entered into pursuant to this section.

~~[Sec. 2.]~~ *Sec. 3.* This act becomes effective on July 1, 2021.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 133 to Senate Bill No. 160 authorizes university schools for the profoundly gifted to enter into cooperative agreements offering dual-credit courses and makes related conforming changes. It clarifies that any institution offering dual-credit courses, whether in-state or out-of-state, must be regionally accredited; and it clarifies that a school district, charter school, and university school for profoundly gifted students may only enter into a cooperative agreement to offer dual-credit courses with a regionally accredited higher education institution in another state if an institution in Nevada does not offer such a course.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 352.

SUMMARY— ~~[Revises provisions relating to victims of human]~~ Directs the Legislative Commission to appoint a committee to conduct an interim study concerning sex trafficking. (BDR ~~[15-57)]~~ S-57)

AN ACT relating to crimes; ~~[providing that victims of human trafficking are immune from civil and criminal liability for the commission of certain offenses; prohibiting a law enforcement officer from arresting or issuing a citation to a victim of human trafficking for certain offenses relating to prostitution; requiring the release from custody of or dismissal of charges against a person who is determined to be a victim of human trafficking in certain circumstances; requiring that victims of human trafficking be referred to certain local resources, programs and services; requiring that certain state agencies be notified of certain victims of human trafficking; revising provisions governing the requirement for persons who are arrested for certain crimes to submit to a test to detect exposure to the human immunodeficiency virus;]~~ directing the Legislative Commission to appoint a committee to conduct an interim study concerning sex trafficking in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [Existing law prohibits pandering, sex trafficking, living from the earnings of a prostitute and advancing prostitution. (NRS 201.300, 201.320, 201.395) Section 1 of this bill defines a victim of those crimes as a "victim of human trafficking."~~

~~— Section 1 provides that any person who is determined by a law enforcement officer, prosecuting attorney or court to be a victim of human trafficking is~~

~~immune from any civil or criminal liability for: (1) unlawfully engaging in prostitution or solicitation for prostitution; (2) unlawfully offering or agreeing to engage in or aiding and abetting any act of prostitution; or (3) any other crime that the person committed in his or her capacity as a victim of human trafficking. Section 1 also prohibits a law enforcement officer from arresting or issuing a citation to a person who has or is alleged to have unlawfully engaged in prostitution or solicitation for prostitution or offered or agreed to engage in or aided and abetted any act of prostitution if it reasonably appears to the law enforcement officer that the person is a victim of human trafficking.~~

~~Section 1 additionally provides that if a person is arrested for or charged with engaging in prostitution or solicitation for prostitution or offering or agreeing to engage in or aiding and abetting any act of prostitution, and the person is subsequently determined by a law enforcement officer, prosecuting attorney or court to be a victim of human trafficking, the charges against the person must be dismissed and, unless the person has been charged with another offense, he or she must be released from custody. Section 1 further provides that if a person is arrested for or charged with the commission of any crime other than such offenses relating to prostitution and is subsequently determined by a law enforcement officer, prosecuting attorney or court to be a victim of human trafficking and to have committed the crime in his or her capacity as such a victim, the charges against the person must be dismissed and the person must be released from custody. Finally, section 1 requires law enforcement officers, prosecuting attorneys and courts to: (1) refer victims of human trafficking to available local resources, programs or services for victims of human trafficking; (2) notify the Division of Child and Family Services of the Department of Health and Human Services if a victim of human trafficking is less than 18 years of age; and (3) notify the Aging and Disability Services Division of the Department of Health and Human Services if a victim of human trafficking is an older person or a vulnerable person.~~

~~Section 2 of this bill makes a conforming change to indicate the placement of section 1 in the Nevada Revised Statutes. Sections 3 and 5 of this bill make conforming changes to indicate that the provisions of section 1 constitute an exception to the provisions of law that prohibit offenses relating to prostitution. Sections 3 and 6 of this bill remove provisions of existing law that are no longer necessary because of the provisions of section 1.~~

~~Existing law requires any person who is arrested for unlawfully engaging in prostitution or solicitation for prostitution to submit to a test to detect exposure to the human immunodeficiency virus. (NRS 201.356) Section 4 of this bill provides that such a person is exempt from that requirement if the person is determined to be a victim of human trafficking after his or her arrest but before the test is performed.~~

~~Section 7 of this bill provides that the amendatory provisions of this bill apply to an offense committed: (1) on or after October 1, 2021; and (2) before October 1, 2021, if the person is not convicted before October 1, 2021.]~~ Existing law: (1) sets forth certain acts that constitute the crimes of sex

trafficking and facilitating sex trafficking; and (2) imposes various penalties upon a person who is found guilty of such crimes, depending on the age of the victim. (NRS 201.300, 201.301) This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues relating to sex trafficking in this State. This bill requires the committee to examine, research and identify: (1) the existing laws governing sex trafficking and related offenses; (2) alternatives to arrest and immunity from civil liability for victims of sex trafficking; (3) programs which provide resources to such victims; and (4) statistical information concerning sex trafficking.

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

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 and 2:

Section 1. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning issues relating to sex trafficking in this State.

2. The interim committee must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. The interim committee shall examine, research and identify, without limitation:

(a) The existing laws of this State governing sex trafficking and related crimes;

(b) Alternatives to arrest for victims of sex trafficking;

(c) Immunity from civil liability for victims of sex trafficking;

(d) Programs which provide resources and services for victims of sex trafficking;

(e) Statistical information concerning sex trafficking in this State; and

(f) Any other relevant matters pertaining to sex trafficking in this State.

5. Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the interim committee.

6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 352 to Senate Bill No. 164 replaces the original contents of the bill and, instead, requires the Legislation Commission to appoint a six-member committee to conduct an

interim study concerning sex trafficking. The study is to examine, research and identify existing laws governing sex trafficking and related offenses; alternatives to arrest and immunity from civil liability for victims of sex trafficking; programs which provide resources to such victims; statistical information concerning sex trafficking; any other relevant matters pertaining to sex trafficking, and any recommended legislation concerning sex trafficking.

The committee is to report its findings to the Legislative Counsel Bureau for transmission to the 82nd Session of the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 354.

SUMMARY—Revises provisions relating to crimes motivated by certain characteristics of the victim. (BDR 15-246)

AN ACT relating to crimes; revising provisions relating to crimes motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person commits certain crimes ordinarily punishable as misdemeanors because of certain characteristics of the victim including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, then the crime committed is punishable as a gross misdemeanor. (NRS 207.185) Existing law also provides that if a person commits certain crimes punishable as felonies because a certain characteristic of the victim, including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, is different from that characteristic of the perpetrator, then the crime is punishable by an additional penalty. (NRS 193.1675) For these crimes punishable as felonies, section 1 of this bill removes the requirement that the perpetrator must have a characteristic that is different from the characteristic of the victim for the additional penalty to apply and instead provides that the perpetrator may be punished by an additional penalty if the perpetrator committed the crime because of the characteristics of the victim, thereby making the standard the same for these crimes as it is for certain crimes punishable as misdemeanors under existing law. Section 1 also adds to the list of such crimes punishable as felonies the crime of making threats or conveying false information concerning acts of terrorism, weapons of mass destruction or lethal agents or toxins.

Section 2 of this bill adds to the list of crimes ordinarily punishable as misdemeanors that are punishable as gross misdemeanors if committed because of certain characteristics of the victim the crime of threatening to cause bodily harm or death to a pupil or employee of a school district or charter school.

Existing law authorizes a person who has suffered injury as the proximate result of the commission of certain crimes by a perpetrator who was motivated by certain characteristics of the injured person to bring a civil action to recover his or her actual damages and punitive damages. (NRS 41.690) Section 3 of this bill adds to the list of such crimes for which such a person may bring such a civil action the crimes of: (1) making threats or conveying false information concerning acts of terrorism, weapons of mass destruction or lethal agents or toxins; and (2) threatening to cause bodily harm or death to a pupil or employee of a school district or charter school.

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

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who *, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons,* willfully violates any provision of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.481 which is punishable as a felony, NRS 200.508, 200.5099, subsection 2 of NRS 200.575, NRS *202.448,* 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270, 206.150, NRS 206.330 which is punishable as a felony or NRS 207.190 ~~[because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator]~~ may, in addition to the term of imprisonment prescribed by statute for the crime, 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. In determining the length of any additional penalty imposed, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of any additional penalty imposed.

2. A sentence imposed pursuant to this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs consecutively with the sentence prescribed by statute for the crime.

3. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 2. NRS 207.185 is hereby amended to read as follows:

207.185 Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of another person or group of persons, willfully violates any provision of NRS 200.471, 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, NRS 205.0832 which is punishable as a misdemeanor, NRS 205.240, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.200, 206.310, NRS 206.330 which is punishable as a misdemeanor, NRS 207.180, 207.200 ~~[or]~~ , 207.210 *or 392.915* is guilty of a gross misdemeanor.

Sec. 3. NRS 41.690 is hereby amended to read as follows:

41.690 1. A person who has suffered injury as the proximate result of the willful violation of the provisions of NRS 200.030, 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575, *202.448,* 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715, 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150, 206.200, 206.310, 206.330, 207.180, 207.190, 207.200 ~~[or]~~ , 207.210 *or 392.915* by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, "gender identity or expression" has the meaning ascribed to it in NRS 193.0148.

Sec. 4. The amendatory provisions of this act apply to offenses committed on or after October 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 354 to Senate Bill No. 166 adds to the list of crimes to which the bill applies those found in NRS 202.448, which relates to making threats or conveying false information regarding terroristic threats, et cetera, and NRS 392.915 regarding threatening a pupil or school employee with bodily harm. It adds those crimes to the statutory cause of action for damages resulting from certain criminal violations if the person was motivated by certain characteristics of the victim.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 453.

SUMMARY—Revises provisions relating to cannabis. (BDR 56-135)

AN ACT relating to cannabis; ~~[prohibiting]~~ authorizing the Cannabis Compliance Board ~~[or a local government from]~~ to adopt regulations imposing ~~[certain restrictions]~~ requirements relating to the packaging and labeling of cannabis and cannabis products; authorizing a cannabis sales facility to engage in curbside pickup under certain circumstances; ~~[authorizing a cannabis establishment to satisfy]~~ revising certain requirements relating to the labeling of ~~[a]~~ cannabis ~~[product through certain alternative means; providing that the placement of certain signs inside a cannabis establishment does not constitute advertising by a cannabis establishment for certain purposes;]~~ products; revising requirements relating to information that is required to be provided to purchasers of cannabis or cannabis products; requiring the Board to adopt regulations allowing for certain records of a cannabis establishment to be created and maintained in an electronic format; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Existing law authorizes the Board to adopt regulations imposing reasonable restrictions on signage, marketing, display and advertising of cannabis establishments. ~~[, but prohibits the Board from imposing a restriction that requires a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.]~~ (NRS 678A.450) Section 1 of this bill similarly authorizes the Board to adopt regulations imposing ~~[reasonable restrictions on]~~ requirements for the packaging ~~[used by]~~ and labeling of cannabis ~~[establishments to package cannabis or]~~ and cannabis products. ~~[, but prohibits the Board from imposing a restriction that requires a cannabis establishment to obtain the approval of the Board or a local government before using such packaging. Section 7 of this bill requires the Board to revise its regulations to conform with the provisions of section 1.]~~

Section 3 of this bill : (1) authorizes a cannabis sales facility to engage in curbside pickup ~~[under certain circumstances.]~~ in accordance with regulations adopted by the Board; and (2) requires the Board to adopt regulations governing curbside pickup conducted by cannabis sales facilities. Section 3 defines "curbside pickup" to mean the delivery of cannabis or cannabis products by a cannabis sales facility to a consumer in a motor vehicle ~~[at a~~

~~designated parking space]~~ on the premises of the cannabis sales facility. Section 3 ~~[requires a cannabis sales facility that wishes to engage in curbside pickup to submit a plan for the implementation of curbside pickup to the Board for approval. Section 3 prescribes the required contents of such a plan, which include, among other requirements, procedures setting forth the manner in which curbside pickup will be conducted and procedures to ensure the security of the cannabis sales facility and consumers during curbside pickup. Under]~~ also provides that nothing in section 3 ~~[, if the Board approves the plan and the cannabis sales facility is not otherwise prohibited by]~~ prohibits a local government from adopting and enforcing an ordinance or rule ~~[, the]~~ prohibiting a cannabis sales facility ~~[is authorized to engage]~~ from engaging in curbside pickup ~~[in accordance with the terms of the approved plan.~~

~~Existing law and regulations impose various requirements on the labeling of]~~ based on the characteristics of the location of the cannabis ~~[and cannabis products. (NRS 678B.520, 678D.420; Nevada Cannabis Compliance Regulations §§ 12.010-12.065) Section 4 of this bill authorizes a cannabis establishment, with certain exceptions, to satisfy any requirement relating to the labeling of a cannabis product which requires the cannabis establishment to include certain information on a label affixed to a cannabis product by including the required information in a pamphlet that is clear and legible and providing the pamphlet to the purchaser of the product at the time of sale.]~~ sales facility or any other considerations.

Existing law ~~[imposes certain restrictions on the advertising of]~~ requires each cannabis ~~[establishments.]~~ establishment to, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale meet certain requirements, including, without limitation, certain requirements relating to the labeling of such products. Existing law requires a cannabis production facility to affix a label on each cannabis product containing certain specified information. (NRS 678B.520) Section 5 of this bill ~~[provides that the placement of a sign inside a]~~ removes this requirement and instead requires each cannabis establishment ~~[that is not visible from outside the establishment does not constitute advertising for the purposes of such restrictions.]~~ to, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale are labeled with certain specified information and any other information the Board may require by regulation.

Existing law requires a cannabis sales facility to include with each sale of cannabis or cannabis products a written notification containing certain information. (NRS 678B.520) Section 5 revises this requirement to require a cannabis sales facility to, instead of providing a written notification, convey the information to each purchaser of cannabis or cannabis products in a manner prescribed by the Board.

Existing law requires the Board to adopt regulations concerning the operation of cannabis establishments, including, without limitation, regulations setting forth minimum requirements for the keeping of records by cannabis establishments. (NRS 678B.650) Section 6 of this bill additionally

requires the Board to adopt regulations allowing for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format.

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

Section 1. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) ~~*[Reasonable restrictions on]*~~ *Requirements relating to the packaging* ~~*[used by cannabis establishments to package]*~~ *and labeling of cannabis* ~~*[or]*~~ *and cannabis products.* ~~*[Such restrictions must not require a cannabis establishment to obtain the approval of the Board or a local government for such packaging before it is used.]*~~

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 2. ~~[Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.]~~ (Deleted by amendment.)

Sec. 3. Chapter 678B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A cannabis sales facility may engage in curbside pickup ~~[only as provided in]~~ in accordance with the regulations adopted by the Board pursuant to this section.

2. ~~[A cannabis sales facility that wishes to engage in curbside pickup must, before engaging in that activity, submit a plan for the implementation of curbside pickup to the]~~ The Board ~~[for its approval. The plan must include, without limitation:~~

~~(a) An identification of each parking space on the premises of the]~~ shall adopt regulations setting forth procedures and requirements for the conducting of curbside pickup by a cannabis sales facility ~~[that will be designated for]~~ and any other regulations governing curbside pickup ~~[, including, without limitation, a diagram and photograph of each designated parking space;~~

~~(b) Evidence sufficient to show that each parking space that will be designated for curbside pickup is within the direct line of sight of the video monitoring system of the cannabis sales facility;~~

~~(c) Procedures to ensure the security of the cannabis sales facility and consumers during curbside pickup, including, without limitation, procedures providing for:~~

~~(1) The establishment of on-site security stations;~~

~~(2) The stationing of security personnel at each parking space designated for curbside pickup; and~~

~~(3) Video monitoring of each parking space designated for curbside pickup in a manner that allows the video monitoring system of the cannabis sales facility to maintain a direct line of sight to each parking space but does not impair the ability of the cannabis sales facility to comply with any other requirement concerning video monitoring set forth in this title or the regulations adopted pursuant thereto;~~

~~*(d) Procedures setting forth the manner in which curbside pickup will be conducted, including, without limitation, procedures for the fulfillment of orders and for the notification of consumers engaging in curbside pickup before and during curbside pickup;*~~

~~*(e) Procedures to ensure that no cannabis or cannabis product is delivered to a consumer in a motor vehicle if there is also a person who is less than 21 years of age in the vehicle;*~~

~~*(f) An identification of each employee of the cannabis sales facility, including, without limitation, security personnel, who will be involved in curbside pickup and a description of the location, role and responsibility of each such employee during curbside pickup;*~~

~~*(g) Procedures for the handling of cannabis, cannabis products and cash during curbside pickup to ensure the security of those items;*~~

~~*(h) Procedures for vehicular ingress and egress to and from the cannabis sales facility during curbside pickup to ensure an orderly flow of traffic; and*~~

~~*(i) Any other information]*~~ *that the Board* ~~*[may prescribe by regulation.]*~~ *determines are necessary.*

3. ~~*[If the Board approves a plan submitted pursuant to subsection 2 and the cannabis sales facility is not otherwise prohibited by local ordinance or rule, the cannabis sales facility may engage in curbside pickup in accordance with the terms of the approved plan. The failure of a cannabis sales facility to comply with the terms of the approved plan constitutes grounds for disciplinary action.*~~

~~*4.]*~~ *Nothing in this section shall be construed as prohibiting a local government from adopting and enforcing an ordinance or rule* ~~*[pertaining to zoning or land use]*~~ *that prohibits a cannabis sales facility from engaging in curbside pickup* ~~*[.*~~

~~*5.]*~~ *based on the characteristics of the location of the cannabis sales facility or any other considerations.*

4. As used in this section, "curbside pickup" means the delivery of cannabis or cannabis products by a cannabis sales facility to a consumer in a motor vehicle located ~~*[at a designated parking space]*~~ *on the premises of the cannabis sales facility.*

Sec. 4. ~~*[1. Except as otherwise provided in this section, a cannabis establishment may satisfy any requirement relating to the labeling of a cannabis product which requires the cannabis establishment to include certain information on a label affixed to a cannabis product by including the required information in a pamphlet that is clear and legible and providing the pamphlet to the purchaser of the cannabis product at the time of sale.*~~

~~*2. The provisions of this section do not apply to the requirements set forth in subsections 1 and 3 of NRS 678B.520.]*~~ (Deleted by amendment.)

Sec. 5. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis or medical cannabis with the words "THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT," as applicable, in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

(h) Are labeled with:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the cannabis product;

(3) A list of all major food allergens in the cannabis product; and

(4) Any other information the Board may require by regulation.

2. A cannabis production facility shall not produce cannabis products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

(a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) ~~[Affix a label to each cannabis product which includes, without limitation, in a manner which must not mislead consumers, the following information:~~

~~(1) The words "Keep out of reach of children";~~

~~(2) A list of all ingredients used in the cannabis product;~~

~~(3) A list of all allergens in the cannabis product; and~~

~~(4) The total content of THC measured in milligrams.~~

~~(c)~~] Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.

[~~(d)~~] *(c)* Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.

[~~(e)~~] *(d)* Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

(a) [~~Include a written notification with each sale~~] *Convey to each purchaser* of cannabis or cannabis products [~~which advises the purchaser:~~] *the following information in a manner prescribed by the Board:*

(1) To keep cannabis and cannabis products out of the reach of children;

(2) That cannabis products can cause severe illness in children;

(3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility or cannabis sales facility which sells edible cannabis

products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility or cannabis sales facility shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as "free" or "donated" without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) "Keep out of reach of children"; and

(2) "For use only by adults 21 years of age and older."

12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed $1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed $2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed $5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed $10,000.

15. As used in this section, "motor

~~*[(a) "Advertising" does not include the placement of a sign inside a cannabis establishment that is not visible from outside the establishment.*~~

~~*(b) "Motor]*~~ vehicle used for public transportation" does not include a taxicab, as defined in NRS 706.124.

Sec. 6. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable; ~~[and]~~

9. *Allow for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format; and*

10. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 7. ~~[1. The provisions of any regulation adopted by the Cannabis Compliance Board which conflict with the provisions of NRS 678A.450, as amended by section 1 of this act, are void and must not be given effect to the extent of the conflict.~~

~~2. The Cannabis Compliance Board shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 678A.450, as amended by section 1 of this act, as soon as practicable after the effective date of this section.]~~ (Deleted by amendment.)

Sec. 8. ~~[1.]~~ This ~~[section]~~ act becomes effective upon passage and approval.

~~[2. Sections 1 to 7, inclusive, of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations 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.]~~

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 453 to Senate Bill No. 168 deletes requirements for cannabis sales facilities to engage in curbside pickup and, instead, requires the Cannabis Compliance Board to adopt regulations related to curbside pickup. It revises labeling requirements, and it requires certain information to be "conveyed" to the purchaser of cannabis products, rather than "written."

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 454.

SUMMARY—Establishes programs for certain persons of low-income and persons in foster care. (BDR 38-711)

AN ACT relating to public assistance; requiring the Office of the State Treasurer to solicit gifts, grants and donations to establish the Individual Development Account Program under which certain persons may establish an individual development account; creating the Nevada Statewide Council on Financial Independence; prohibiting certain entities from considering money deposited into an individual development account by certain persons to be income under certain circumstances; requiring certain entities to ensure that instruction in financial literacy is provided to certain persons if money is available to provide such instruction; requiring the State Treasurer to ensure that certain instruction and training is provided to a tenant of a housing project

if money is available to provide such instruction and training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Oregon Individual Development Account Initiative program allows certain persons from low-income households to establish an individual development account into which the person deposits money to save and later use for certain purposes. A fiduciary organization manages the Program and matches the amounts deposited by a person. (Or. Rev. Stat. §§ 458.670-458.700) Sections 15-25 of this bill provide for the establishment of a similar program in this State entitled the Individual Development Account Program. Section 20 of this bill requires the Office of the State Treasurer to: (1) solicit gifts, grants and donations to carry out the Program; and (2) establish the Program if sufficient money is obtained. Section 20 authorizes the Office to: (1) select one or more fiduciary organizations to administer the money in the Program pursuant to section 24 of this bill; and (2) distribute a portion of the money obtained to the Department of Health and Human Services, foster care licensing agencies and housing authorities to provide instruction in financial literacy to account holders.

Section 21 of this bill generally provides that if the Program is established, a person who qualifies to become an account holder is authorized to establish an individual development account. To qualify to become an account holder, section 21 requires a person to be: (1) a resident of this State; (2) twelve years of age or older; and (3) a tenant of a housing project for persons of low income in this State, a recipient of Medicaid or a provider of foster care who is creating such an account for a child placed in his or her care. Section 21 further provides that to establish an individual development account, the account holder and the fiduciary organization must enter into an agreement wherein the account holder deposits funds into a financial institution and the fiduciary organization deposits matching funds into the financial institution pursuant to section 23 of this bill, with the goal of enabling the account holder to accumulate assets for use toward achieving a specific purpose authorized by the fiduciary organization pursuant to section 22 of this bill. Section 23 authorizes a fiduciary organization to accept and solicit gifts, grants and donations to fund the Program and requires the fiduciary organization to match deposits made by the account holder by not more than $5 for each $1 deposited by the account holder in his or her individual development account. Section 23 further prohibits an account holder from accruing more than $3,000 of matching funds in any 12-month period.

Sections 5-14 of this bill create the Nevada Statewide Council on Financial Independence. Section 6 of this bill sets forth the membership of the Council. Section 10 of this bill requires the Council to: (1) develop statewide priorities and strategies for helping persons who receive public assistance or social services to increase the financial independence of such persons; (2) coordinate with certain state agencies; and (3) oversee the Individual Development Account Program, if that Program is established.

Section 2 of this bill prohibits the Department of Health and Human Services, under certain circumstances, from considering the money deposited in an individual development account by a recipient of Medicaid to be income for the purpose of determining the recipient's eligibility to receive benefits provided by Medicaid. If the Department receives money from the State Treasurer pursuant to section 20, section 3 of this bill requires the Department to ensure that instruction in financial literacy is provided to a recipient of Medicaid who deposits a portion of his or her income into an individual development account. Section 3 authorizes the Department to contract for the services of an independent contractor to provide such instruction in financial literacy. Section 34 of this bill makes a conforming change by including the provisions of sections 2 and 3 in the duties of the Director of the Department.

Existing law defines "provider of foster care" to mean a person who is licensed by the licensing authority to conduct a foster home. (NRS 424.017) Existing law defines "foster home" as a home that receives, nurtures, supervises and ensures routine educational services and medical, dental and mental health treatment for children and includes: (1) a family foster home; (2) a specialized foster home; (3) an independent living foster home; and (4) a group foster home. (NRS 424.014) Section 27 of this bill authorizes a provider of foster care to, upon receiving the approval of the licensing authority: (1) establish an individual development account for a child placed in the care of the provider of foster care; and (2) deposit into the individual development account money received by the provider of foster care to pay for the cost of providing care to the child if such use does not conflict with or prevent the provider of foster care from providing care to the child. Section 27 additionally provides that: (1) the money in the individual development account is the property of the child for whom the account was established; (2) the child has access to the money in the individual development account upon reaching 18 years of age or being declared emancipated; and (3) the child may use the money in the individual development account only for certain purposes, as set forth in section 22. If the licensing authority receives money from the State Treasurer pursuant to section 20, section 28 of this bill requires the licensing authority to ensure that instruction in financial literacy is provided to a child for whom an individual development account is established. Section 28 authorizes the licensing authority to contract for the services of an independent contractor to provide such instruction in financial literacy. Sections 29 and 30 of this bill make conforming changes by exempting sections 27 and 28 from certain requirements relating to foster homes. Section 31 of this bill authorizes the Division of Child and Family Services of the Department of Health and Human Services to use the money in the Normalcy for Foster Youth Account to provide monetary support to a provider of foster care to establish and fund an individual development account.

Existing law creates local housing authorities and the Nevada Rural Housing Authority to operate housing projects for persons of low income in this State. (NRS 315.320, 315.440, 315.977, 315.988) Existing law also prohibits a

housing authority from accepting a tenant who earns more than a prescribed maximum income. (NRS 315.510, 315.994) Sections 36 and 38 of this bill prohibit each local housing authority and the Nevada Rural Housing Authority from considering the money deposited in an individual development account by a tenant to be income for the purpose of determining the tenant's eligibility to remain in the housing project.

If a local housing authority or the Nevada Rural Housing Authority receives money from the State Treasurer pursuant to section 20, sections 37 and 39 of this bill require those organizations to ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account. Sections 37 and 39 authorize each local housing authority and the Nevada Rural Housing Authority to contract for the services of an independent contractor to provide such instruction in financial literacy. Sections 40-45 of this bill make conforming changes to indicate the proper placement of sections 36-39 in the Nevada Revised Statutes.

Existing law sets forth the general powers and duties of the State Treasurer. (NRS 226.110) To the extent that money is available, section 33 of this bill requires the State Treasurer to ensure that instruction and training in business opportunities and any benefits available to certain business enterprises are provided to a tenant of each local housing authority, the Nevada Rural Housing Authority and certain nonprofit organizations. Existing law authorizes the State Treasurer to appoint and employ certain Deputies. (NRS 226.100) Section 32 of this bill authorizes the State Treasurer to appoint and employ a Deputy of Financial Literacy and Security.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *To the extent authorized by federal law, the Department shall not consider money deposited in an individual development account pursuant to section 21 of this act by a recipient of Medicaid to be income for the purpose of determining whether the person who deposited the money is eligible to receive or to continue to receive benefits that are provided by Medicaid.*

Sec. 3. *1. The Department shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a recipient of Medicaid who deposits a portion of his or her income in an individual development account pursuant to section 21 of this act.*

2. The Department may contract for the services of an independent contractor to provide the instruction required in subsection 1.

Sec. 4. Chapter 422A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 25, inclusive, of this act.

Sec. 5. *As used in sections 5 to 25, inclusive, of this act, "Nevada Statewide Council on Financial Independence" means the Nevada Statewide Council on Financial Independence created by section 6 of this act.*

Sec. 6. *1. The Nevada Statewide Council on Financial Independence is hereby created.*

2. The Council is composed of the following voting members:

(a) The Lieutenant Governor or his or her designee;

(b) The State Treasurer or his or her designee;

(c) The Director or his or her designee;

(d) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(e) The Attorney General or his or her designee;

(f) The Executive Director of the Office of Economic Development or his or her designee;

(g) The Superintendent of Public Instruction of the Department of Education or his or her designee;

(h) The following five voting members, appointed by the State Treasurer:

(1) A representative of:

(I) An authority, as defined in NRS 315.170;

(II) The Nevada Rural Housing Authority created by NRS 315.977; or

(III) A nonprofit organization which primarily provides affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;

(2) A representative of an agency which provides child welfare services, as defined in NRS 432B.030, operating in a county whose population is 700,000 or more;

(3) A representative of the Nevada System of Higher Education;

(4) A representative of Workforce Connections or its successor organization; and

(5) A representative with knowledge, skill and experience in programs designed for recipients of public assistance or social services.

3. The State Treasurer or his or her designee shall serve as Chair of the Council.

4. The Lieutenant Governor or his or her designee shall serve as Vice Chair of the Council.

Sec. 7. *Any member appointed by the State Treasurer to fill a vacancy in the appointed membership of the Nevada Statewide Council on Financial Independence occurring before the expiration of a term shall be appointed by the State Treasurer for the remainder of the unexpired term.*

Sec. 8. *1. The Nevada Statewide Council on Financial Independence may prescribe such bylaws as it deems necessary for its operation.*

2. The Council shall meet at the call of the Chair as frequently as required to perform its duties, but not less than quarterly.

3. A majority of the voting members of the Council constitutes a quorum for the transaction of business, and a majority of those voting members present at any meeting is sufficient for any official action taken by the Council.

4. The Council and any working groups appointed pursuant to section 11 of this act shall comply with the provisions of chapter 241 of NRS and shall conduct all meetings in accordance with that chapter.

Sec. 9. *1. To the extent that money is available for this purpose, the Nevada Statewide Council on Financial Independence may provide:*

(a) Compensation of not more than $80 per day to each member of the Council who is not a public employee, while engaged in the business of the Council; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally to each member of the Council while engaged in the business of the Council.

2. A member of the Council who is a public employee may not receive any compensation for his or her services as a member of the Council. Any member of the Council who is a public employee must be granted administrative leave from the duties of the member to engage in the business of the Council without loss of his or her regular compensation. Such leave must not reduce the amount of the member's other accrued leave.

Sec. 10. *The Nevada Statewide Council on Financial Independence shall:*

1. Develop statewide priorities and strategies for helping persons who receive public assistance or social services so that the state agencies may collectively help increase the financial independence of such persons.

2. Coordinate with all state agencies that work with persons who receive public assistance or social services so that the state agencies may collectively help increase the financial independence of such persons.

3. Oversee the Individual Development Account Program established pursuant to sections 15 to 25, inclusive, of this act, if that Program is established.

Sec. 11. *1. The Chair of the Nevada Statewide Council on Financial Independence may, with the approval of the Council, appoint any working groups deemed necessary by the Chair to assist in carrying out the duties of the Council. If a working group is appointed, the Chair shall appoint to the working group the number of voting members that the Chair determines to be appropriate. The Chair may appoint any person the Chair deems appropriate to serve on a working group, except that a working group must include at least one member of the Council.*

2. If a member of a working group formed pursuant to subsection 1 is a public employee, the member's employer must grant the member administrative leave from his or her duties to serve on the working group without loss of the member's regular compensation and without reducing the amount of any other leave the member may have accrued.

Sec. 12. *To the extent that money is available for this purpose, the State Treasurer shall provide such staff assistance to the Nevada Statewide Council*

on Financial Independence as the State Treasurer deems appropriate and may designate the Office of the State Treasurer to provide such assistance.

Sec. 13. *The Nevada Statewide Council on Financial Independence may apply for and receive gifts, grants, donations or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of sections 5 to 14, inclusive, of this act and to defray expenses incurred by the Council in the discharge of its duties.*

Sec. 14. *On or before February 15 of each year, the State Treasurer shall, if money is available:*

1. Prepare a report setting forth the activities of the Nevada Statewide Council on Financial Independence; and

2. Submit a copy of the report to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

Sec. 15. *As used in sections 15 to 25, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 16 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 16. *"Account holder" means a person who:*

1. Qualifies to become an account holder pursuant to section 21 of this act; and

2. Has established an individual development account pursuant to section 22 of this act.

Sec. 17. *"Fiduciary organization" means an organization that is selected pursuant to section 24 of this act to administer state money directed to individual development accounts and is a nonprofit organization which:*

1. Conducts fundraising activities; and

2. Is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

Sec. 18. *"Financial institution" means a depository institution or any other institution regulated pursuant to title 55 of NRS. The term includes, without limitation, a holding company, affiliate or subsidiary of such an institution.*

Sec. 19. *"Program" means the Individual Development Account Program established pursuant to sections 15 to 25, inclusive, of this act.*

Sec. 20. *The Office of the State Treasurer:*

1. Shall solicit and apply for gifts, grants and donations for the purpose of carrying out the provisions of sections 15 to 25, inclusive, of this act, including, without limitation, to fund matching payments by fiduciary institutions pursuant to section 23 of this act and fund the instruction and training required by sections 3, 28, 37 and 39 of this act and paragraph (m) of subsection 1 of NRS 226.110.

2. To the extent that sufficient money is obtained pursuant to subsection 1, shall establish the Individual Development Account Program.

3. If the Program is established may:

(a) Transfer a portion of the money obtained pursuant to subsection 1 to:

(1) The Department of Health and Human Services to provide the instruction required by section 3 of this act;

(2) Each licensing authority, as defined in NRS 424.016, to provide the instruction required by section 28 of this act; and

(3) Each authority, as defined in NRS 315.170 and the Nevada Rural Housing Authority created by NRS 315.977, to provide the instruction required by sections 37 and 39, respectively of this act; and

(b) Select one or more fiduciary organizations pursuant to section 24 of this act.

Sec. 21. *1. Except as otherwise provided in subsection 6, a person who qualifies to become an account holder pursuant to subsection 2 may, if the Individual Development Account Program is established and sufficient money is available, establish an individual development account pursuant to sections 15 to 25, inclusive, of this act.*

2. To qualify to become an account holder, a person must be:

(a) A resident of this State;

(b) Twelve years of age or older; and

(c) At least one of the following:

(1) A tenant of a housing project operated by:

(I) A local housing authority pursuant to NRS 315.140 to 315.7813, inclusive, and sections 36 and 37 of this act;

(II) The Nevada Rural Housing Authority pursuant to NRS 315.961 to 315.99874, inclusive, and sections 38 and 39 of this act; or

(III) A nonprofit organization which primarily provides affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to the HOME Investment Partnerships Act, 42 U.S.C. §§ 12701 et seq.;

(2) A recipient of Medicaid; or

(3) A provider of foster care who establishes an individual development account for a child placed in the care of the provider of foster care pursuant to section 27 of this act.

3. To establish an individual development account pursuant to subsection 1, the account holder and a fiduciary organization must enter into an agreement wherein the account holder deposits funds into a financial institution in this State and the fiduciary organization deposits matching funds into the financial institution in this State pursuant to section 23 of this act with the goal of enabling the account holder to accumulate assets for use toward achieving a specific purpose authorized by the fiduciary organization pursuant to section 22 of this act.

4. Except for a provider of foster care or for a child for whom an individual development account is established by a provider of foster care, every account holder, with support from the fiduciary organization, shall develop a personal development plan to increase the financial independence of the account holder and the household of the account holder through achievement of the authorized purpose of the individual development account. The account holder shall specify in the personal development plan the purpose for the use of the money in the individual development account. Such purposes must comply with section 22 of this act. In providing support to an account holder, the fiduciary organization shall ensure that:

(a) Instruction in financial literacy is provided to the account holder; and

(b) Mentorship or financial coaching services are provided to the account holder.

5. The fiduciary organization may contract for the services of an independent contractor to provide the instruction and mentorship or financial coaching services required pursuant to subsection 4.

6. A fiduciary organization shall refuse to allow a person who qualifies to become an account holder pursuant to subsection 2 to establish an individual development account if establishment of the individual development account would result in the members of the household of the person, as defined in section 22 of this act, having more than two individual development accounts.

7. As used in this section, "local housing authority" means an authority as defined in NRS 315.170.

Sec. 22. *1. A person may:*

(a) Enter into an agreement with a fiduciary organization to establish an individual development account pursuant to section 21 of this act only for a purpose authorized by the fiduciary organization; and

(b) After establishing an individual development account pursuant to section 21 of this act, withdraw money from the individual development account only for a purpose authorized by the fiduciary organization.

2. A fiduciary organization may authorize the establishment of an individual development account and the withdrawal of money from the individual development account for one or more of the following purposes:

(a) The acquisition of postsecondary education or job training.

(b) If the account holder has established the individual development account for the benefit of a member of his or her household who is under 18 years of age, the payment of expenses for extracurricular activities, not including the payment of tuition, that are designed to prepare the member for postsecondary education or job training.

(c) The purchase of a primary residence. In addition to paying the price of purchasing the residence, the account holder may use money in the individual development account to pay any usual or reasonable settlement, financing or other closing costs. Unless the account holder was displaced from the residence, had lost ownership of the residence as a result of a divorce or is the owner of a manufactured home, the account holder must not have owned or

held any interest in a residence during the 3 years immediately preceding the purchase.

(d) The rental of a primary residence. The account holder may use money in the individual development account to pay for security deposits, the rent for the first and last month of the rental period, any application fees and any other expenses necessary to move into the primary residence, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.

(e) The establishment of a small business. The account holder may use money in the individual development account to pay for expenses related to establishing the small business, to hire employees and to use for working capital pursuant to a business plan. The business plan must have been developed by a financial institution, nonprofit organization or other agent which has demonstrated expertise in business and which has been approved by the fiduciary organization. The business plan must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(f) Improvements, repairs or modifications necessary to make or keep the primary residence of the account holder habitable or accessible for the account holder or a member of his or her household.

(g) The purchase of equipment, technology or specialized training that is required for the account holder to become competitive in obtaining or maintaining employment or to establish or maintain a business, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.

(h) The purchase or repair of a vehicle, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.

(i) The saving of money for retirement, as specified in the personal development plan for increasing the independence of the account holder developed pursuant to section 21 of this act.

(j) The payment of debts owed for educational or medical purposes when the account holder is saving for another authorized purpose, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.

(k) The creation or improvement of the credit score of the account holder by obtaining a secured loan or a financial product that is designed to improve credit, as specified in the personal development plan for increasing the financial independence of the account holder developed pursuant to section 21 of this act.

(l) The replacement of the primary residence of the account holder when such replacement offers a significant opportunity to improve the habitability or energy efficiency of the primary residence.

(m) The payment of medical expenses incurred by the account holder or a member of his or her household.

3. If the account holder is a child for whom a provider of foster care established an individual development account pursuant to section 27 of this act and such an account holder seeks to withdraw money from the individual development account for a purpose authorized pursuant to subsection 2 that requires information be specified in the personal development plan for increasing the financial independence of the account holder, the account holder shall develop a personal development plan that substantially complies with subsection 4 of section 21 of this act.

4. If the account holder of an individual development account established for the purpose set forth in paragraph (i) of subsection 2 has achieved the purpose of the account holder in accordance with the personal development plan developed pursuant to section 21 of this act, the account holder may withdraw, or authorize the withdrawal of, all deposits, including, without limitation, matching deposits and interest accrued on deposits, in the individual development account by rolling over the entire withdrawal amount into an individual retirement account, a retirement plan or a similar account or plan established under the Internal Revenue Service. Upon the withdrawal of all deposits in the individual development account, the fiduciary organization shall terminate the account relationship with the account holder.

5. If an account holder withdraws money from an individual development account without receiving the authorization of the fiduciary organization pursuant to subsection 2, the fiduciary organization may remove the account holder from the Program.

6. Except as otherwise provided in section 27 of this act, if the account holder moves outside of this State or is otherwise unable to continue in the Program, the fiduciary organization may remove the account holder from the Program.

7. If an account holder is removed from the Program pursuant to subsection 5 or 6, all matching deposits in the individual development account and all interest accrued on matching deposits shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching deposits for other individual development accounts.

8. As used in this section, "household" means an association of persons who:

(a) Live in the same residence or dwelling;

(b) Are related by blood, adoption or marriage; and

(c) Are mutually dependent on each other for the basic necessities of life.

Sec. 23. *1. If the Individual Development Account Program is established, the State Treasurer must provide money obtained pursuant to section 20 of this act to fiduciary organizations for the purpose of funding matching payments by fiduciary institutions pursuant to subsection 2. A fiduciary organization may accept and solicit additional gifts, grants and donations for the Program. A fiduciary organization shall notify the State Treasurer of any such gifts, grants or donations received.*

2. A fiduciary organization shall match amounts deposited by the account holder according to a formula established by the fiduciary organization ~~[.]~~ *and approved by the State Treasurer. The fiduciary organization shall match and maintain on deposit in the individual development account not more than $5 for each $1 deposited by the account holder in his or her individual development account.*

3. The fiduciary organization shall deposit the matching deposits made by the fiduciary organization pursuant to subsection 2 in a savings account that is:

(a) Jointly held by the account holder and the fiduciary organization that requires the signatures of both for withdrawals; or

(b) Controlled by the fiduciary organization and is separate from the savings account of the account holder.

4. Account holders shall not accrue more than $3,000 of matching funds under subsection 2 in any 12-month period. A fiduciary organization may designate a lesser amount as a limit on matching funds made in any 12-month period.

5. A fiduciary organization shall maintain on deposit sufficient funds to cover the agreements to match the amounts deposited by the account holder for all individual development accounts administered by the fiduciary organization.

6. A fiduciary organization shall not expend more than 5 percent of the total amount of money accepted from the State Treasurer pursuant to subsection 1 to pay for its administrative expenses.

7. The State Treasurer may adopt regulations to establish a maximum total amount of money that may be deposited as matching funds into an individual development account.

Sec. 24. *The State Treasurer may select one or more fiduciary organizations to administer any money received from the State Treasurer pursuant to section 23 of this act. In making the selections, the State Treasurer shall consider, without limitation, the following factors:*

1. The ability of the fiduciary organization to implement and administer the Program, including, without limitation, the ability to:

(a) Verify that a person qualifies to become an account holder;

(b) Certify that the money in an individual development account is used only for authorized purposes; and

(c) Exercise general fiscal accountability;

2. The capacity of the fiduciary organization to provide or raise matching funds for the deposits of account holders;

3. The capacity of the fiduciary organization to provide support and general assistance to an account holder to increase the financial independence of the account holder and the household of the account holder; and

4. The connections that the fiduciary organization has to other activities and programs that are designed to increase the financial independence of

persons who qualify to become account holders pursuant to section 21 of this act through:

(a) Education and training;

(b) Home ownership; and

(c) Small business development.

Sec. 25. *1. Subject to any regulations adopted by the State Treasurer ~~[,]~~ and the oversight of the Nevada Statewide Council of Financial Independence, a fiduciary organization has ~~[sole]~~ authority over, and responsibility for, the administration of individual development accounts. The responsibility of the fiduciary organization extends to : ~~[all aspects of the Program, including, without limitation:]~~*

(a) Marketing to participants;

(b) Soliciting any additional matching funds ~~[;]~~ pursuant to section 23 of this act and notifying the State Treasurer upon receipt of such funds;

(c) Mentoring or counseling account holders;

(d) Providing instruction in financial literacy; and

(e) Conducting activities to ensure that an account holder is complying with sections 15 to 25, inclusive, of this act and any regulations adopted pursuant thereto.

2. A fiduciary organization may establish guidelines for the Program as the fiduciary organization determines to be necessary to ensure that an account holder complies with sections 21 and 22 of this act.

3. A fiduciary organization may act in partnership with other entities, including, without limitation, businesses, government agencies, nonprofit organizations, community development corporations, community action programs, housing authorities and charitable or religious organizations, to assist in fulfilling its responsibilities under sections 15 to 25, inclusive, of this act.

4. On or before February 15 of each year, a fiduciary organization selected to administer any money pursuant to section 24 of this act shall:

(a) Prepare a report setting forth:

(1) The number of individual development accounts administered by the fiduciary organization;

(2) The amount of deposits and matching deposits made for each individual development account;

(3) The purpose of each individual development account;

(4) The number of withdrawals made from each individual development account; and

(5) Any other information the State Treasurer determines to be relevant; and

(b) Submit a copy of the reports to the State Treasurer.

5. The State Treasurer may adopt regulations to carry out the provisions of section 15 to 25, inclusive, of this act.

Sec. 26. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 27 and 28 of this act.

Sec. 27. *1. Upon receiving approval pursuant to subsection 2, a provider of foster care may establish an individual development account for a child placed in the care of the provider of foster care by the appropriate agency. The provider of foster care may deposit into the individual development account money received by the provider of foster care to pay for the cost of providing care to the child, if such use does not conflict with or prevent the provider of foster care from providing care to the child.*

2. Before establishing an individual development account pursuant to subsection 1, a provider of foster care must receive the approval of the licensing authority to establish the individual development account and deposit a portion of the money received into such an account. The licensing authority shall grant such approval to the provider of foster care if the licensing authority determines that the depositing of money into the individual development account:

(a) Does not conflict with or prevent the provider of foster care from providing care to the child; and

(b) Is in the best interests of child.

3. The money deposited into the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act is the property of the child for whom the individual development account was established.

4. The child:

(a) May access the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act upon reaching 18 years of age or upon being declared emancipated pursuant to NRS 129.080 to 129.140, inclusive, whether or not the child was part of the foster care system upon reaching 18 years of age or the child moved outside of the State before reaching 18 years of age or before being declared emancipated; and

(b) Upon obtaining access to the money pursuant to paragraph (a), must use the money deposited in the individual development account and any matching funds and interest deposited into the individual development account pursuant to sections 15 to 25, inclusive, of this act only for the purposes set forth in section 22 of this act.

5. Nothing in this section shall be construed as preventing:

(a) The child from maintaining a bank account and managing personal income, consistent with the age and developmental level of the child, as is the right of the child pursuant to paragraph (b) of subsection 10 of NRS 432.525; or

(b) The provider of foster care from establishing a savings account for a child placed in the care of the provider of foster care into which the provider of foster care deposits the personal income or money of the provider of foster care.

6. As used in this section, "foster care system" means the process whereby a child is:

(a) Placed in a foster home pursuant to this title; or

(b) In the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS.

Sec. 28. *1. The licensing authority shall, to the extent that money is provided by the State Treasurer pursuant to section 20 for that purpose, ensure that instruction in financial literacy is provided to a child for whom an individual development account is established pursuant to section 27 of this act.*

2. The licensing authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.

Sec. 29. NRS 424.041 is hereby amended to read as follows:

424.041 1. ~~[Each]~~ *Notwithstanding the provisions of section 27 of this act, each* agency which provides child welfare services shall ensure that money allocated to pay for the cost of providing care to children placed in a specialized foster home is not used for any other purpose.

2. On or before August 1 of each year, each agency which provides child welfare services shall prepare and submit to the Division and the Fiscal Analysis Division of the Legislative Counsel Bureau a report listing all expenditures relating to the placement of children in specialized foster homes for the previous fiscal year.

3. Each agency which provides child welfare services shall provide to the Division any data concerning children who are placed in a specialized foster home by the agency upon the request of the Division.

Sec. 30. NRS 424.090 is hereby amended to read as follows:

424.090 1. The provisions of NRS 424.020 to 424.090, inclusive, *and sections 27 and 28 of this act* do not apply to homes in which:

(a) Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

(b) Care is provided by the legal guardian.

(c) Care is provided for an exchange student.

(d) Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

(e) Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

(f) Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

(g) Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

(1) The caregiver is related to the child within the fifth degree of consanguinity or a fictive kin; and

(2) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive.

2. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.

Sec. 31. NRS 432B.174 is hereby amended to read as follows:

432B.174 1. The Normalcy for Foster Youth Account is hereby created in the State General Fund.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. The Division of Child and Family Services may use money in the Account to:

(a) Provide monetary support to a provider of foster care who provides opportunities to a child in his or her care to participate in extracurricular, cultural or personal enrichment activities; ~~[and]~~

(b) *Provide monetary support to a provider of foster care for the provider of foster care to establish and fund an individual development account pursuant to section 27 of this act; and*

(c) Award grants to agencies which provide child welfare services or nonprofit organizations that provide opportunities to children in foster care to participate in extracurricular, cultural or personal enrichment activities.

4. The Division of Child and Family Services may accept gifts, grants, bequests and other contributions from any source for the purpose of carrying out the provisions of this section.

5. Any money remaining in the Account 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. 32. NRS 226.100 is hereby amended to read as follows:

226.100 1. The State Treasurer may appoint and employ a Chief Deputy, two Senior Deputies, an Assistant Treasurer, a Deputy of Debt Management, a Deputy of Investments, a Deputy of Cash Management, a Deputy of Unclaimed Property , *a Deputy of Financial Literacy and Security* and an Assistant to the State Treasurer in the unclassified service of the State.

2. Except as otherwise provided in NRS 284.143, the Chief Deputy State Treasurer shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 33. NRS 226.110 is hereby amended to read as follows:

226.110 *1.* The State Treasurer:

~~[1.]~~ *(a)* Shall receive and keep all money of the State which is not expressly required by law to be received and kept by some other person.

~~[2.]~~ *(b)* Shall receipt to the State Controller for all money received, from whatever source, at the time of receiving it.

~~[3.]~~ *(c)* Shall establish the policies to be followed in the investment of money of the State, subject to the periodic review and approval or disapproval of those policies by the State Board of Finance.

~~[4.]~~ *(d)* May employ any necessary investment and financial advisers to render advice and other services in connection with the investment of money of the State.

~~[5.]~~ *(e)* Shall disburse the public money upon warrants drawn upon the Treasury by the State Controller, and not otherwise. The warrants must be registered and paid in the order of their registry. The State Treasurer may use any sampling or postaudit technique, or both, which he or she considers reasonable to verify the proper distribution of warrants.

~~[6.]~~ *(f)* Shall keep a just, true and comprehensive account of all money received and disbursed.

~~[7.]~~ *(g)* Shall deliver in good order to his or her successor in office all money, records, books, papers and other things belonging to his or her office.

~~[8.]~~ *(h)* Shall fix, charge and collect reasonable fees for:

~~[(a)]~~ *(1)* Investing the money in any fund or account which is credited for interest earned on money deposited in it; and

~~[(b)]~~ *(2)* Special services rendered to other state agencies or to members of the public which increase the cost of operating his or her office.

~~[9.]~~ *(i)* Serves as the primary representative of the State in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

~~[10.]~~ *(j)* Is directly responsible for the issuance of any obligation authorized on the behalf and in the name of the State, except as otherwise provided in NRS 538.206 and except for those obligations issued pursuant to chapter 319 of NRS and NRS 349.400 to 349.987, inclusive. The State Treasurer:

~~[(a)]~~ *(1)* Shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.

~~[(b)]~~ *(2)* May, except as otherwise provided in NRS 538.206, employ necessary legal, financial or other professional services in connection with the authorization, sale or issuance of such an obligation.

~~[11.]~~ *(k)* May organize and facilitate statewide pooled financing programs, including lease purchases, for the benefit of the State and any political subdivision, including districts organized pursuant to NRS 450.550 to 450.750, inclusive, and chapters 244A, 318, 379, 474, 541, 543 and 555 of NRS.

~~[12.]~~ *(l)* Shall serve as the Administrator of Unclaimed Property.

(m) In addition to the instruction provided pursuant to section 21, 37 or 39 of this act, shall, to the extent that money is available for that purpose, ensure that instruction and training in the following areas is provided to the tenants

of a housing project operated by a local housing authority pursuant to NRS 315.140 to 315.7813, inclusive, and sections 36 and 37 of this act, to the tenants of a housing project operated by the Nevada Rural Housing Authority pursuant to NRS 315.961 to 315.99874, inclusive, and sections 38 and 39 of this act and to the tenants of a nonprofit organization described in sub-subparagraph (III) of subparagraph (1) of paragraph (c) of subsection 2 of section 21 of this act:

(1) The business opportunities and any benefits available for:

(I) Small business enterprises;

(II) Minority-owned business enterprises;

(III) Women-owned business enterprises; and

(IV) Disadvantaged business enterprises as defined by 49 C.F.R. § 26.5; and

(2) The procedures in place to utilize the opportunities and benefits listed in subparagraph (1) and how to proceed through such procedures.

2. As used in this section, "local housing authority" means an authority as defined in NRS 315.170.

Sec. 34. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 2 and 3 of this act,* 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 35. Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 39, inclusive, of this act.

Sec. 36. *The authority shall not consider money deposited in an individual development account pursuant to section 21 of this act by a tenant of a housing project operated by the authority to be income for the purpose of determining whether the person is eligible to reside in the housing project under the provisions of NRS 315.510 or any regulations adopted by the authority.*

Sec. 37. *1. In addition to the training provided by the State Treasurer pursuant to paragraph (m) of subsection 1 of NRS 226.110, the authority shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account established pursuant to section 21 of this act.*

2. The authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.

Sec. 38. *The Authority shall not consider money deposited in an individual development account pursuant to section 21 of this act by a tenant of a housing project operated by the Authority to be income for the purpose of*

determining whether the person is eligible to reside in the housing project under the provisions of NRS 315.994 or any regulations adopted by the Authority.

Sec. 39. *1. In addition to the training provided by the State Treasurer pursuant to paragraph (m) of subsection 1 of NRS 226.110, the Authority shall, to the extent that money is provided by the State Treasurer pursuant to section 20 of this act for that purpose, ensure that instruction in financial literacy is provided to a tenant who deposits a portion of his or her income in an individual development account pursuant to section 21 of this act.*

2. The Authority may contract for the services of an independent contractor to provide the instruction required by subsection 1.

Sec. 40. NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.7813, inclusive, *and sections 36 and 37 of this act* may be referred to as the Housing Authorities Law of 1947.

Sec. 41. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, govern the construction of NRS 315.140 to 315.7813, inclusive ~~[.]~~ *, and sections 36 and 37 of this act*.

Sec. 42. NRS 315.420 is hereby amended to read as follows:

315.420 An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of NRS 315.140 to 315.7813, inclusive, *and sections 36 and 37 of this act* (but not the power to levy and collect taxes or special assessments).

Sec. 43. NRS 315.961 is hereby amended to read as follows:

315.961 1. It is the policy of this State to promote the health, welfare and safety of its residents and to develop more desirable neighborhoods and alleviate poverty in the counties, cities and towns of the State by making provision for decent, safe and sanitary housing facilities for persons of low and moderate income.

2. It is hereby found and declared:

(a) That there is a shortage of safe and sanitary dwelling accommodations in the rural areas of the State which are available to persons of low and moderate income, particularly senior citizens of low and moderate income, at rentals or prices they can afford;

(b) That the establishment and operation of a sufficient number of new local housing authorities to undertake housing projects on an individual basis in such counties and the cities and towns therein is not feasible at the present time due to geographic and economic circumstances;

(c) That the shortage of low-rent housing facilities in such counties can be partially remedied through state action by the establishment of a state housing authority having the power to undertake housing projects and make mortgage loans for residential housing; and

(d) That it is appropriate for such a state housing authority to issue obligations for the purpose of undertaking housing projects and providing

mortgage loans for residential housing and to perform any other function authorized by NRS 315.961 to 315.99874, inclusive ~~.~~ *, and sections 38 and 39 of this act.*

Sec. 44. NRS 315.962 is hereby amended to read as follows:

315.962 As used in NRS 315.961 to 315.99874, inclusive, *and sections 38 and 39 of this act,* unless the context otherwise requires, the words and terms defined in NRS 315.963 to 315.976, inclusive, have the meanings ascribed to them in those sections.

Sec. 45. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the Authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, *and sections 38 and 39 of this act,* but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association or insured savings bank, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.

(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive ~~.~~ *, and sections 38 and 39 of this act.*

(i) Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.

(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

Sec. 46. 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. 47. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 46, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 454 to Senate Bill No. 188 clarifies that fiduciary organizations are subject to the oversight of the Nevada Statewide Council of Financial Independence and are responsible for soliciting additional matching funds for Individual Development Accounts, and must notify the State Treasurer upon receipt of such funds.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 452.

SUMMARY—Provides regulatory exemptions for certain types of residential and commercial boilers. (BDR 40-839)

AN ACT relating to public safety; exempting certain types of residential and commercial ~~[boilers]~~ water heaters from the standards that an owner of a boiler must comply with; ~~[providing that such standards apply to certain other types of boilers;]~~ requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations establishing requirements relating to certain systems which include multiple water heaters; requiring the Division to revise its regulations to conform with ~~[this]~~ the exemption ~~[,]~~ for certain types of residential and commercial water heaters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various standards that an owner of a boiler must comply with. (Chapter 455C of NRS) ~~[Existing regulations provide that boilers installed or used in a single-family residence are exempt from these standards if the boiler is a hot water supply tank that has a storage capacity which does not exceed 120 gallons. (NAC 455C.114) Section 1]~~ Section 1.2 of this bill ~~[generally]~~ defines the term "water heater" and section 1.4 of this bill provides that ~~[these]~~ the standards governing boilers do not apply to ~~[any boiler used to heat water. Section 1 provides that these standards do apply to a boiler: (1) used for space heating]~~ a water heater in a residential or commercial building or structure or on residential or commercial ~~[premises; and (2) that exceeds]~~

premises that meets certain specifications. ~~[If a boiler that is used for space heating in a residential or commercial building or structure or on residential or commercial premises does not exceed these specifications, then the standards do not apply to the boiler.]~~ Section 1.6 of this bill makes a conforming change to indicate the placement of section 1.2 within the Nevada Revised Statutes. Section ~~[2]~~ 1.8 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to adopt regulations establishing requirements for equipment and apparatuses used in connection with a system that includes the serial interconnection of multiple water heaters. Section 2 of this bill requires the Division to revise its regulations to conform with the provisions of section ~~[1.]~~ 1.4.

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

Section 1. Chapter 455C of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 1.2 and 1.4 of this act.

Sec. 1.2. "Water heater" means an appliance that is:

1. Designed primarily to supply hot water for domestic or commercial purposes; and

2. Equipped with automatic controls which limit water temperature to a maximum of 210 degrees Fahrenheit (99 degrees Centigrade).

Sec. 1.4. ~~[1.]~~ Except as otherwise provided in ~~[subsection 2,]~~ NRS 455C.110, the provisions of this chapter do not apply to any ~~[boiler used to heat water for any purpose.~~

~~2. The provisions of this chapter apply to a boiler:~~

~~(a) Used for space heating]~~ water heater in a residential or commercial building or structure or on residential or commercial premises ~~[, and~~

~~(b) That exceeds]~~ that:

1. Is not included in a serial interconnection of multiple water heaters; and

2. Does not exceed any of the following:

~~[(1)]~~ (a) An input of heat of 199,999 British thermal units per hour (58,600 watts); or

~~[(2) A water temperature of 210 degrees Fahrenheit (99 degrees Centigrade); or~~

~~(3)]~~ (b) A water capacity of 120 gallons (450 liters).

Sec. 1.6. NRS 455C.010 is hereby amended to read as follows:

455C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 455C.020 to 455C.080, inclusive, *and section 1.2 of this act* have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 455C.110 is hereby amended to read as follows:

455C.110 The Division shall adopt regulations that establish:

1. Standards and procedures relating to the installation, inspection, operation, maintenance, relocation, improvement, alteration and repair of

boilers, elevators and pressure vessels, including, without limitation, regulations:

(a) Providing an exemption from those standards and procedures:

(1) In the case of an emergency; or

(2) If the Division determines that it is in the best interests of the general public; and

(b) Establishing requirements for the inspection of boilers, elevators and pressure vessels.

2. *Requirements regarding the equipment and apparatuses used in connection with a system that includes the serial interconnection of multiple water heaters including, without limitation, water heaters described in section 1.4 of this act.*

3. The requirements for the issuance and renewal of a certificate as:

(a) A boiler inspector; and

(b) An elevator mechanic.

~~[3.]~~ *4.* The grounds for initiating disciplinary action against a holder of a certificate, including, without limitation, the grounds for:

(a) The suspension or revocation of a certificate; and

(b) Requiring the holder of a certificate to pay an administrative fine.

~~[4.]~~ *5.* The methods of enforcement the Division will use to ensure compliance with NRS 455C.100 and the regulations adopted pursuant to ~~[subsection]~~ *subsections* 1 ~~[,]~~ *and 2,* including, without limitation:

(a) Notifying an owner of a boiler, elevator *,* ~~[or]~~ pressure vessel *or water heater* that the owner has violated a provision of the regulations adopted pursuant to subsection 1 *or 2* and establishing a period within which the owner must correct the violation;

(b) Requiring the owner to pay an administrative fine; and

(c) Suspending or revoking a permit issued by the Division pursuant to NRS 455C.100.

Sec. 2. 1. The provisions of any regulation adopted by the Division of Industrial Relations of the Department of Business and Industry which conflict with the provisions of section ~~[1]~~ 1.4 of this act are void and must not be given effect to the extent of the conflict.

2. The Division of Industrial Relations of the Department of Business and Industry shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of section ~~[1]~~ 1.4 of this act as soon as practicable after the effective date of this ~~[section.]~~ act.

Sec. 3. ~~[1.]~~ This ~~[section]~~ act becomes effective upon passage and approval.

~~[2. Sections 1 and 2 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On October 1, 2021, for all other purposes.]~~

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 452 to Senate Bill No. 205 defines "water heater" to mean an appliance designed primarily to supply hot water for domestic or commercial purposes and equipped with automatic controls to limit the water temperature to a maximum of 210 degrees Fahrenheit. It exempts water heaters that meet certain requirements from the provisions of chapter 455C of NRS. It requires the Division of Industrial Relations of the Department of Business and Industry to adopt requirements regarding the equipment and apparatuses used in connection with a system that includes the serial interconnection of multiple water heaters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 217.

SUMMARY—Enacts provisions relating to mental health. (BDR 34-82)

AN ACT relating to mental health; providing for the reporting of information relating to ~~[distance education and the effects of distance education on the mental health of pupils and teachers;]~~ integrated student support services provided to pupils enrolled in a program of distance education; requiring the board of trustees of each school district to ensure that all school employees receive certain training relating to trauma; requiring the State Board of Education to adopt certain regulations; providing for the establishment of a program to provide training concerning the identification and assistance of persons who have certain behavioral health conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a statewide framework for providing and coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils. (NRS 388.885) Section 1 of this bill requires school districts and charter schools to report information relating to ~~[distance education and the effects of distance education on the mental health of pupils and teachers as part of the statewide framework.]~~ integrated student support services provided to pupils enrolled in a program of distance education. Section 1 also requires the State Board of Education to adopt regulations prescribing the information to be included in the report.

Existing law requires certain employees of school districts to complete training on certain topics. (NRS 391A.250-391A.385) Section 2 of this bill requires the board of trustees of each school district to ensure that all school employees receive training on social and emotional trauma. Section 2 also requires the State Board of Education to adopt any regulations necessary to carry out the provisions of this bill, including, without limitation, regulations determining the content and approving providers of the training on social and emotional trauma.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to operate certain facilities and programs for the provision of mental health services. (NRS 433.233-433.374) Section 3 of this bill requires the Division to establish a program to provide training on identifying and assisting a person who has a mental illness or substance use disorder or who may be experiencing a mental health or substance use crisis and requires a person who provides such training to have successfully completed a training program for mental health first aid instructors. Section 3 additionally requires the Division to collaborate with interested persons and groups when developing the program and inform interested persons and groups concerning the availability and benefits of training under the program. Section 3 also requires the Division to submit to the Governor and the Legislature annually a report containing certain information about the program.

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

Section 1. NRS 388.885 is hereby amended to read as follows:

388.885 1. The Department shall, to the extent money is available, establish a statewide framework for providing and coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils. The statewide framework must:

(a) Establish minimum standards for the provision of integrated student supports by school districts and charter schools. Such standards must be designed to allow a school district or charter school the flexibility to address the unique needs of the pupils enrolled in the school district or charter school.

(b) Establish a protocol for providing and coordinating integrated student supports. Such a protocol must be designed to:

(1) Support a school-based approach to promoting the success of all pupils by establishing a means to identify barriers to academic achievement and educational attainment of all pupils and methods for intervening and providing integrated student supports which are coordinated to reduce those barriers, including, without limitation, methods for:

(I) Engaging the parents and guardians of pupils;

(II) Assessing the social, emotional and academic development of pupils;

(III) Attaining appropriate behavior from pupils; and

(IV) Screening, intervening and monitoring the social, emotional and academic progress of pupils;

(2) Encourage the provision of education in a manner that is centered around pupils and their families and is culturally and linguistically appropriate;

(3) Encourage providers of integrated student supports to collaborate to improve academic achievement and educational attainment, including, without limitation, by:

(I) Engaging in shared decision-making;

(II) Establishing a referral process that reduces duplication of services and increases efficiencies in the manner in which barriers to academic achievement and educational attainment are addressed by such providers; and

(III) Establishing productive working relationships between such providers;

(4) Encourage collaboration between the Department and local educational agencies to develop training regarding:

(I) Best practices for providing integrated student supports;

(II) Establishing effective integrated student support teams comprised of persons or governmental entities providing integrated student supports;

(III) Effective communication between providers of integrated student supports; and

(IV) Compliance with applicable state and federal law; and

(5) Support statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development and advocacy to improve access to integrated student supports and expand upon existing integrated student supports that address the physical, emotional and educational needs of pupils.

(c) Include integration and coordination across school- and community-based providers of integrated student support services through the establishment of partnerships and systems that support this framework.

(d) Establish accountability standards for each administrator of a school to ensure the provision and coordination of integrated student supports.

(e) Require school districts and charter schools to report information relating to ~~[distance education and the effects of distance education on the mental health of pupils and teachers.]~~ integrated student support services provided to pupils enrolled in a program of distance education. The State Board, in consultation with the committee on statewide school safety appointed pursuant to NRS 388.1324, shall adopt:

(1) Regulations that prescribe the information that must be included in the report; and

(2) Any other regulations necessary to carry out the provisions of this paragraph.

2. The board of trustees of each school district and the governing body of each charter school shall:

(a) Annually conduct a needs assessment for pupils enrolled in the school district or charter school, as applicable, to identify the academic and nonacademic supports needed within the district or charter school. The board of trustees of a school district or the governing body of a charter school shall be deemed to have satisfied this requirement if the board of trustees or the governing body has conducted such a needs assessment for the purpose of complying with any provision of federal law or any other provision of state law that requires the board of trustees or governing body to conduct such a needs assessment.

(b) Ensure that mechanisms for data-driven decision-making are in place and the academic progress of pupils for whom integrated student supports have been provided is tracked.

(c) Ensure integration and coordination between providers of integrated student supports.

(d) To the extent money is available, ensure that pupils have access to social workers, mental health workers, counselors, psychologists, nurses, speech-language pathologists, audiologists and other school-based specialized instructional support personnel or community-based medical or behavioral providers of health care.

3. Any request for proposals issued by a local educational agency for integrated student supports must include provisions requiring a provider of integrated student supports to comply with the protocol established by the Department pursuant to subsection 1.

4. As used in this section ~~[, "integrated]~~ *:*

(a) "Distance education" means instruction which is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are physically separated for a majority of the time during which the instruction is delivered.

(b) "Integrated student support" means any measure designed to assist a pupil in:

~~[(a)]~~ *(1)* Improving his or her academic achievement and educational attainment and maintaining stability and positivity in his or her life; and

~~[(b)]~~ *(2)* His or her social, emotional and academic development.

Sec. 2. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall ensure that all school employees receive training on social and emotional trauma.

2. The State Board shall adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations:

(a) Determining the content; and

(b) Approving providers,

➥ *of the training on social and emotional trauma required by subsection 1.*

Sec. 3. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available for the purpose, the Division shall establish a program to provide training on identifying and assisting a person who has a mental illness or substance use disorder or who may be experiencing a mental health or substance use crisis. The training must include, without limitation, instruction on:

(a) Recognizing the symptoms of a mental illness or substance use disorder;

(b) Providing initial assistance to a person experiencing a mental health or substance use crisis;

(c) Guiding a person requiring assistance with a mental health issue, including, without limitation, a person experiencing a mental health or substance use crisis, to professionals qualified to provide such assistance;

(d) Comforting a person experiencing a mental health or substance use crisis;

(e) Helping a person with a mental illness or substance use disorder avoid a mental health or substance use crisis; and

(f) Promoting healing, recovery and good mental health.

2. A person who provides training through the program must have successfully completed a training program for mental health first aid instructors offered by Mental Health First Aid USA, or its successor organization, or a similar program offered or approved by the Division.

3. The Division shall:

(a) Consult with interested persons and groups, including, without limitation, legislators, representatives of governmental and private entities that provide or arrange for the provision of mental health services, public safety agencies, the Department of Education, school districts, charter schools, school employees, community-based organizations and members of the public, when developing the program;

(b) Inform the public and interested groups, including, without limitation, providers of emergency medical services, law enforcement officers, teachers, school administrators and providers of primary health care services, concerning the availability and benefits of training through the program;

(c) Employ persons who meet the requirements of subsection 2 to provide training through the program; and

(d) On or before January 1 of each year:

(1) Compile a report that includes, without limitation, the number of persons who provided training through the program, the number of training sessions provided by such persons, the groups of persons to whom such training was provided and any other information determined by the Division to be relevant to evaluating the effectiveness of the program; and

(2) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(I) In even-numbered years, the Legislative Committee on Health Care; and

(II) In odd-numbered years, the next regular session of the Legislature.

4. The Division may apply for and accept gifts, grants and donations to carry out the provisions of this section.

5. As used in this section, "public safety agency" means:

(a) A fire-fighting agency; or

(b) A law enforcement agency as defined in NRS 277.035.

Sec. 4. 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. 5. 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.

Sec. 6. 1. This section and section 4 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2022, for all other purposes.

3. Sections 2 and 5 of this act become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2022, for all other purposes.

4. Section 3 of this act becomes effective on July 1, 2021.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 217 to Senate Bill No. 230 requires school districts and charter schools to report on information related to the integrated support services provided to pupils enrolled in distance education programs rather than reporting on the effects of distance education on the mental health of pupils and teachers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 191.

SUMMARY—Makes various changes relating to public safety. (BDR 23-217)

AN ACT relating to public safety; requiring law enforcement agencies to establish early warning systems to identify peace officers who display bias indicators or other problematic behavior; authorizing the Peace Officers' Standards and Training Commission to adopt regulations relating to such early warning systems; ~~[revising the qualifications for certification as a peace officer by the Commission; imposing liability on peace officers who subject another person or cause another person to be subjected to the deprivation of certain constitutional rights;]~~ establishing provisions relating to the recording, collection and review of information concerning traffic stops ~~[and other stops]~~ made by law enforcement officers; imposing certain duties on the Department of Public Safety and law enforcement agencies regarding the recording, collection and review of such information; authorizing the Department to adopt regulations relating to the recording, collection and review of such information; requiring the Legislative Commission to appoint a committee to conduct an interim study relating to the establishment of crisis response call centers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing peace officers and establishes the Peace Officers' Standards and Training Commission (hereinafter "POST"), which generally provides for the training and education of peace officers. (Chapter 289 of NRS) Section 1 of this bill requires every law enforcement agency to establish an early warning system for the purpose of identifying peace officers employed by the law enforcement agency who display bias indicators or other problematic behavior. Section 1 requires that if a peace officer is identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer is required to increase its supervision of the peace officer and provide additional training and, if appropriate, counseling to the peace officer. If a peace officer is repeatedly identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer is required to consider the consequences that should be imposed, including transferring the peace officer from any high-profile assignments or subjecting the peace officer to any discipline. Section 1 also authorizes POST to adopt any regulations necessary to carry out the provisions relating to such early warning systems.

~~[Existing law generally requires a person upon whom some or all of the powers of a peace officer are conferred to be certified by POST. (NRS 289.550) Section 2 of this bill provides that before such a person may be certified, the person is required to have: (1) at a minimum, received an associate's degree; or (2) completed at least 2 years of military service. Section 2 also specifies that a person does not need to satisfy such a requirement before he or she participates in any training required as a condition of certification as a peace officer.~~

~~Existing law establishes provisions relating to the liability of and actions against this State, its agencies and its political subdivisions. (NRS 41.0305-41.0309) Section 3 of this bill imposes liability on any peace officer who subjects another person or causes another person to be subjected to the deprivation of any individual constitutional rights that create binding obligations on government actors. Section 3 also provides that in an action brought as a result of a deprivation of such constitutional rights, qualified immunity can only be used as a defense in certain circumstances. Section 3 additionally requires the employer of a peace officer to indemnify the peace officer for any liability incurred by, and any judgment or settlement entered against, the peace officer unless the actions of the peace officer were malicious, wanton or willful.]~~

Existing law establishes provisions relating to the rules of the roads in this State. ~~[, including rules pertaining to pedestrians.]~~ (Chapter 484B of NRS) Sections 7-21 of this bill establish provisions relating to the recording, collection and review of information concerning traffic stops ~~[and other stops]~~ made by law enforcement officers. Section 17 of this bill requires the Department of Public Safety to develop and implement, not later than January 1, 2022: (1) a standardized method to be used by law enforcement

officers to record certain information concerning ~~[any such stop,]~~ traffic stops, including certain demographic information of the person who was stopped; and (2) training and procedures to facilitate the collection of such information. Section 17 also requires: (1) law enforcement officers that make a traffic ~~[or other]~~ stop to record such information beginning on January 1, 2022; and (2) law enforcement agencies that retain such information to report such information for each calendar year to the Department beginning not later than February 1, 2023. Section 17 additionally requires that any such information be used by the Department for statistical purposes only and ~~[not contain]~~ provides that any identifying information ~~[relating to]~~ of a law enforcement officer who performed a traffic stop ~~[or other stop]~~ or a person who was stopped ~~[. Section 17 provides that any information that could reveal the identity of such a law enforcement officer or person]~~ that is collected or held by the Department is ~~[exempt from public disclosure.]~~ confidential.

Section 18 of this bill authorizes the Department, to the extent that money is available, to contract with a third party to review all public information reported by law enforcement agencies concerning traffic stops ~~[and other stops]~~ and conduct a statistical analysis of the data to identify patterns or practices of profiling. Section 18 requires the Department to seek any available gifts, grants or donations to assist in enabling the Department to contract with a third party to conduct such a statistical analysis. Section 18 also requires such a third party with whom the Department contracts to submit, during the year in which a statistical analysis is conducted, a report of the results of the analysis to the Governor, the Department and the Chairs of the Senate and Assembly Standing Committees on Judiciary. Section 19 of this bill authorizes the Department, after reviewing the report, to provide advice or technical assistance to any law enforcement agency mentioned in the report and, if such advice or technical assistance is provided, requires the Department to present to POST a summary of the advice or technical assistance given.

Section 20 of this bill requires the Department to : (1) record information collected from law enforcement agencies concerning traffic stops ~~[and other stops]~~ that is not confidential in a central repository created by the Department to track data electronically concerning ~~[such]~~ traffic stops on a statewide basis ~~[.]~~ ; and (2) make such data available to the public. However, section 25 of this bill provides that, unless the Department is able to ~~[create such a central repository and record]~~ perform such ~~[information]~~ duties using existing resources, such ~~[a requirement]~~ requirements only ~~[becomes]~~ become effective on the date on which federal funding is obtained for the recording, collection and review of information concerning traffic stops ~~[and other stops]~~ made by law enforcement officers.

Section 21 of this bill authorizes the Department to adopt any regulations necessary to carry out the provisions relating to the recording, collection and review of information concerning traffic stops ~~[and other stops]~~ made by law enforcement officers.

Section 22 of this bill requires the Legislative Commission to appoint a committee to conduct an interim study relating to the establishment of crisis response call centers. Section 22 requires that such a study include: (1) an examination of certain proposals relating to responses to non-violent and non-emergency situations; (2) a determination of how information should be provided to the public regarding when to call an emergency number, a non-emergency number or another help line; (3) the consideration of alternative models regarding responses to crises that do not require armed law enforcement officers; and (4) a determination of the feasibility of establishing a pilot program relating to crisis response call centers. Section 22 requires the interim committee to submit a report of its findings and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall establish an early warning system for the purpose of identifying peace officers employed by the law enforcement agency who:

(a) Display bias indicators by, for example:

(1) Having a large number of citizen complaints;

(2) Being part of a large number of incidents involving the use of force;

(3) Making a large number of arrests for resisting an officer;

(4) Having a large number of the arrests that he or she has made result in no charges being filed because of issues such as improper searches or detentions; or

(5) Having a negative attitude regarding programs that enhance relations between law enforcement and the community.

(b) Display other problematic behavior by, for example:

(1) Having a large number of motor vehicle crashes;

(2) Abusing sick leave; or

(3) Showing any other behavioral signs that are indicative of a decline in performance.

2. If a peace officer is identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer shall:

(a) Increase its supervision of the peace officer; and

(b) Provide additional training and, if appropriate, counseling to the peace officer.

3. If a peace officer is repeatedly identified by the early warning system as displaying bias indicators or other problematic behavior, the law enforcement agency that employs the peace officer shall consider the consequences that should be imposed, including, without limitation, whether

the peace officer should be transferred from any high-profile assignments or subject to any discipline.

4. The Peace Officers' Standards and Training Commission may adopt any regulations necessary to carry out the provisions of this section.

Sec. 2. ~~[NRS 289.550 is hereby amended to read as follows:~~

~~289.550 1. Except as otherwise provided in subsection [2] *3* and NRS 3.310, 4.353, 258.007 and 258.060, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.~~

~~*2. Before a person may be certified by the Commission pursuant to this section, the person must have, at a minimum, received an associate's degree, or completed not less than 2 years of military service. A person does not need to satisfy such a requirement before he or she participates in any training required as a condition of certification as a peace officer.*~~

~~*3.* The following persons are not required to be certified by the Commission:~~

~~(a) The Chief Parole and Probation Officer;~~

~~(b) The Director of the Department of Corrections;~~

~~(c) The Director of the Department of Public Safety, the deputy directors of the Department and the chiefs of the divisions of the Department other than the Investigation Division and the Nevada Highway Patrol;~~

~~(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;~~

~~(e) Railroad police officers; and~~

~~(f) California correctional officers.]~~ (Deleted by amendment.)

Sec. 3. ~~[Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Any peace officer who subjects another person or causes another person to be subjected to the deprivation of any individual constitutional rights that create binding obligations on government actors is liable to the injured party for legal, equitable or other relief.*~~

~~*2. Notwithstanding any other provision of law, if an action brought pursuant to this section seeks:*~~

~~*(a) Only equitable relief, qualified immunity is not a defense to liability pursuant to this section.*~~

~~*(b) Monetary damages, qualified immunity is a defense only if, at the time of the conduct of the peace officer, the peace officer had a good faith belief that his or her conduct did not violate the law.*~~

~~*3. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the employer of a peace officer shall indemnify the peace officer for any liability incurred by the peace officer and for any judgment or settlement entered against the peace officer for claims arising pursuant to this section. If any act of the peace officer that resulted in such liability, judgment or settlement was malicious, wanton or willful:*~~

~~*(a) The employer of the peace officer shall not indemnify the peace officer; and*~~

~~*(b) The peace officer:*~~

~~*(1) Is personally liable for the costs associated with an action brought pursuant to this section; and*~~

~~*(2) Shall reimburse his or her employer for any costs associated with an action brought pursuant to this section that the employer has already paid.*~~

~~*4. If an employer of a peace officer is required to indemnify the peace officer pursuant to subsection 3, the peace officer must not be required to pay any costs associated with the liability, judgment or settlement first and then subsequently be reimbursed by the employer.]*~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 41.0305 is hereby amended to read as follows:~~

~~41.0305 As used in NRS 41.0305 to 41.039, inclusive, *and section 3 of this act*, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.]~~ (Deleted by amendment.)

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 17 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. 6. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 21, inclusive, of this act.

Sec. 7. *As used in sections 7 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 8. *"Department" means the Department of Public Safety.*

Sec. 9. *"Disability" means, with respect to a person:*

1. A physical or mental impairment that substantially limits one or more of the major life activities of the person;

2. A record of such an impairment; or

3. Being regarded as having such an impairment.

Sec. 10. *"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.*

Sec. 11. *"Law enforcement agency" has the meaning ascribed to it in NRS 289.010.*

Sec. 12. *"Law enforcement 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. 13. ~~[*"Other stop" means any occasion when a person, including, without limitation, a pedestrian, is halted by a law enforcement officer for an alleged violation of law, or any other purpose. The term does not include a traffic stop.*]~~ (Deleted by amendment.)

Sec. 14. *"Profiling" means the targeting of a person by a law enforcement agency or a law enforcement officer, on suspicion of the person having violated a provision of law, based solely on the person's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity or expression, sexual orientation, political affiliation, religion, homelessness or disability, unless the law enforcement agency or law enforcement officer is acting on a suspect description or information related to an identified or suspected violation of a provision of law.*

Sec. 15. *"Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.*

Sec. 16. *"Traffic stop" means any occasion when the driver of a motor vehicle is halted by a law enforcement officer for an alleged traffic violation or infraction* . ~~[*, or any other purpose.*]~~

Sec. 17. *1. Not later than January 1, 2022, the Department shall develop and implement a standardized method to be used by law enforcement officers to record information concerning traffic stops* . ~~*[and other stops.]*~~ *The standardized method must require, and any form developed and used pursuant to the standardized method must provide for, the following information to be recorded for each stop:*

(a) The date and time of the stop;

(b) The location of the stop;

(c) The race, ethnicity, age and sex of the person stopped, based on the observations of the law enforcement officer responsible for reporting the stop;

(d) The nature of, and the statutory citation for, the alleged violation that caused the stop to be made; and

(e) The disposition of the stop, including, without limitation, whether:

(1) A warning, citation or summons was issued;

(2) A search was conducted and, if so:

(I) The type of search conducted; and

(II) Whether anything was found as a result of the search; and

(3) An arrest was made.

2. Not later than January 1, 2022, the Department, in consultation with law enforcement agencies, shall develop and implement training and procedures to facilitate the collection of information concerning traffic stops ~~*[and other stops]*~~ *pursuant to subsection 1.*

3. Beginning on January 1, 2022, each law enforcement officer that makes a traffic stop ~~*[or other stop]*~~ *shall record for each stop the information set forth in paragraphs (a) to (e), inclusive, of subsection 1, and each law enforcement agency shall retain such information.*

4. Each law enforcement agency that engages in traffic stops ~~*[or other stops]*~~ *shall report to the Department the information recorded for the previous calendar year pursuant to subsection 3 not later than February 1, 2023, and at least annually thereafter.*

5. Information acquired pursuant to this section must be used by the Department only for statistical purposes and not for any other purpose. ~~*[The information must not contain any identifying information relating to a law enforcement officer who performed a traffic stop or other stop or a person who was stopped.]*~~ *Any identifying information* ~~*[collected by law enforcement agencies or held by the Department pursuant to this section that could reveal the identity]*~~ *of* ~~*[any]*~~ *a law enforcement officer who performed a traffic stop* ~~*[or other stop]*~~ *or* ~~*[any]*~~ *a person who was stopped that is collected or held by the Department is confidential.*

Sec. 18. *1. To the extent that money is available, the Department may contract with a third party to review all public information, including, without limitation, the prevalence and disposition of traffic stops* ~~*[and other stops,]*~~ *reported by law enforcement agencies pursuant to section 17 of this act , and conduct a statistical analysis of the data for the purpose of identifying patterns or practices of profiling.*

2. If a third party with whom the Department contracts pursuant to subsection 1 conducts a statistical analysis, the third party must, not later than December 31 of the year in which the statistical analysis is conducted, report the results of the analysis to the Governor, the Department, the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary.

3. The Department shall seek any available gifts, grants or donations to assist in enabling the Department to contract with a third party pursuant to subsection 1.

Sec. 19. *1. The Department shall review any reports provided to the Department by the third party with whom the Department contracts pursuant to subsection 1 of section 18 of this act.*

2. After reviewing a report, the Department may provide advice or technical assistance to any law enforcement agency mentioned in the report. Any advice or technical assistance provided must be based on best practices in policing as determined by the Peace Officers' Standards and Training Commission.

3. Upon providing advice or technical assistance to a law enforcement agency pursuant to subsection 2, the Department shall, within a reasonable period, present to the Peace Officers' Standards and Training Commission a summary of the advice or technical assistance given. The presentation must be open to the public, feature live testimony by presenters and be held in accordance with chapter 241 of NRS.

Sec. 20. *The Department shall ~~[record]~~ :*

1. Record information reported to the Department pursuant to subsection 4 of section 17 of this act , other than any identifying information of a law enforcement officer who performed a traffic stop or a person who was stopped that is confidential pursuant to subsection 5 of section 17 of this act, in a central repository created by the Department to track data electronically concerning traffic stops ~~[and other stops]~~ on a statewide basis ~~[.]~~ ; and

2. Make such recorded data available to the public for the purpose of allowing the inspection of statistical information concerning traffic stops, including, without limitation, the race and ethnicity of the driver with regard to all traffic stops made on all public roads other than those classified as local or minor rural roads.

Sec. 21. *The Department may adopt any regulations necessary to carry out the provisions of sections 7 to 21, inclusive, of this act.*

Sec. 22. 1. The Legislative Commission shall appoint a committee to conduct an interim study relating to the establishment of crisis response call centers.

2. The interim committee must be composed of six Legislators selected as follows:

(a) Two members of the Senate appointed by the Majority Leader of the Senate;

(b) Two members of the Assembly appointed by the Speaker of the Assembly;

(c) One member of the Senate appointed by the Minority Leader of the Senate; and

(d) One member of the Assembly appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. The study must include, without limitation:

(a) An examination of the following proposals, including, without limitation, the feasibility of such proposals and any effects thereof:

(1) Pairing peace officers with mental health specialists, social workers or counselors for any mental health calls that address a non-violent situation;

(2) Having community service officers who are not armed respond to non-emergency calls and whether that would require the creation of a new department; and

(3) Expanding existing response teams across the State.

(b) A determination of which situations are considered to be low-risk and which crimes are considered to be non-violent and how best to provide information to the public as to when a person should call an emergency number, a non-emergency number or another help line.

(c) The consideration of alternative models for responses to crises using resources that do not require armed law enforcement officers, including, without limitation, responses to mental health crises, issues relating to homelessness or other situations in which responding with alternative resources is more appropriate than responding with armed law enforcement officers.

(d) A determination of the feasibility of establishing a pilot program relating to crisis response call centers.

5. On or before September 1, 2022, the interim committee shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 23. 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.

Sec. 24. 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. 25. 1. This section and sections 17, 21 and 22 of this act become effective upon passage and approval.

2. Sections 6 to 16, inclusive, and 18 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of sections 7 to 19, inclusive, of this act; and

(b) On October 1, 2021, for all other purposes.

3. Sections 1 to 5, inclusive, 23 and 24 of this act become effective on October 1, 2021.

4. Section 20 of this act becomes effective:

(a) On October 1, 2021, if the Department of Public Safety is able to perform its duties under section 20 of this act using existing resources; or

(b) On the date on which federal funding is obtained to carry out the provisions of sections 7 to 21, inclusive, of this act if the Department of Public Safety is not able to perform its duties under section 20 of this act using existing resources.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 191 to Senate Bill No. 236 deletes language imposing liability on peace officers for violations of a person's constitutional rights and related language requiring an employer to indemnify peace officers. It deletes the requirement for an associate degree or two years of military training to become Peace Officers Standards and Training certified. It also limits the data gathering regarding stops made by peace officers to only traffic stops. It provides that data gathered in relation to traffic stops is confidential and provides that only data that is not confidential may be made publicly available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 327.

Bill read second time.

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

Amendment No. 250.

SUMMARY—Revises provisions relating to discriminatory practices. (BDR 53-574)

AN ACT relating to discrimination; prohibiting certain types of discrimination relating to race in employment and education; revising provisions governing the authority of the Nevada Equal Rights Commission to investigate certain acts of prejudice against a person with regard to employment; revising provisions governing the procedures used by and notices given by the Nevada Equal Rights Commission; establishing certain requirements for testing which is used by a county or city for a decision regarding promotion of an employee; revising provisions governing the subjects that are subject to negotiation for certain collective bargaining agreements; revising provisions governing the policy for all school districts and schools in this State to provide a safe and respectful learning environment; establishing certain requirements for testing which is used by a school district for a decision regarding promotion of an employee; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes that it is the policy of this State to foster the right of all persons to reasonably seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color,

age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. (NRS 233.010) In addition, existing law prohibits certain employers, employment agencies, labor organizations, joint labor-management committees or contractors from engaging in certain discriminatory employment practices. For example, it is an unlawful employment practice to fail to hire or to fire or otherwise discriminate against a person, or to limit or segregate or classify an employee on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) Sections ~~[1,]~~ 1.3, 2, 4, 9 and 14 of this bill define "race" to include ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles. Similar protections are provided in other contexts by the following sections. Section 10 of this bill defines "race" to include ~~[certain characteristics]~~ traits associated with race for the purpose of prohibiting discrimination on the basis of race within the State Personnel System. (NRS 284.150, 284.385) Section 12 of this bill revises provisions governing relations with local government employers to prohibit discrimination on the basis of ~~[certain characteristics]~~ traits associated with race. (NRS 288.270) Section 15 of this bill revises the restrictions for commercial advertising on a school bus by prohibiting advertising that attacks groups based on ~~[certain characteristics]~~ traits associated with race. (NRS 386.845) Section 16 of this bill prohibits a dress code or policy that requires pupils to wear school uniforms to discriminate against a pupil based on ~~[his or her]~~ race. (NRS 386.855) Sections 21, 22 and 25 of this bill prohibit discrimination based upon ~~[certain characteristics]~~ traits associated with race for enrollment in a charter school, a university school for profoundly gifted pupils or the Nevada System of Higher Education. (NRS 388A.453, 388C.010, 396.530) Section 24 of this bill prohibits a pupil from being disciplined based on his or her race.

Existing law authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person with regard to employment based on race, color, creed, sex, age, disability, gender identity or expression, national origin or ancestry. (NRS 233.150) ~~[Section 6 of this bill provides that, if the Commission determines to conduct an investigation, the Commission is required to complete the investigation not later than 13 months after the complaint was filed with the Commission. (NRS 233.170)]~~ Existing law provides that, if the Commission does not conclude that an unfair employment practice has occurred, the Commission is required to provide certain information to a complainant regarding his or her rights. (NRS 613.420) Section 3 of this bill requires the Commission to provide the complainant with certain information relating to the filing of a charge alleging an unlawful employment practice with the United States Equal Employment Opportunity Commission and the process by which the Equal Employment Opportunity Commission conducts a review of the Nevada Equal Rights Commission's conclusion. Section 5 of this bill defines "race" to include

~~[certain characteristics]~~ traits associated with race for the purpose of serving as the basis upon which the Commission may investigate an allegation of discrimination.

Sections 7, 8 and 23 of this bill set forth certain requirements governing testing that is used by a county, city or school district, respectively, for a decision regarding the promotion of an employee and make it a category E felony to tamper with the score of a test taken by an employee.

Existing law sets forth the subjects that are subject to negotiation with an employee organization for the purposes of a collective bargaining agreement. (NRS 288.150) Section 11 of this bill provides that the requirements governing testing that is used by a county, city or school district, respectively, for a decision regarding the promotion of an employee are not subject to such negotiation. Section 13 of this bill makes conforming changes to revise internal references. (NRS 288.500)

Existing law requires the Department of Education to prescribe a policy for all school districts and schools in this State to provide a safe and respectful learning environment that is free of bullying and cyber-bullying, including the provision of training to school personnel and requirements for reporting violations of the policy. (NRS 388.133) Sections 18 and 19 of this bill define "race" to include ~~[certain characteristics]~~ traits associated with race for the purposes of those provisions which require safe and respectful learning environments and prohibit bullying and cyber-bullying. Section 20 of this bill makes a conforming change to indicate the placement of sections 18 and 19 ~~[of this bill]~~ within the Nevada Revised Statutes.

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

Section 1. Chapter 610 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 1.3. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Council" means the State Apprenticeship Council created by NRS 610.030.

4. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

5. "Executive Director" means the Executive Director of the Office of Workforce Innovation.

6. "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.

7. "Office of Workforce Innovation" means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800.

8. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

9. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

10. "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

11. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

~~[10.]~~ *12.* "State Apprenticeship Director" means the person appointed pursuant to NRS 610.110.

Sec. 1.7. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 2. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.4383, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "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.

5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. "Person" includes the State of Nevada and any of its political subdivisions.

7. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

8. "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

9. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 3. NRS 613.420 is hereby amended to read as follows:

613.420 1. If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, has occurred, the Commission shall issue:

(a) A letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 2 . ~~[; and]~~

(b) A right-to-sue notice. The right-to-sue notice must indicate that the person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint.

(c) To the person who filed the complaint pursuant to NRS 613.405, basic information relating to:

(1) Filing a charge alleging an unlawful employment practice with the United States Equal Employment Opportunity Commission; and

(2) The process by which the United States Equal Employment Opportunity Commission conducts a review of the Nevada Equal Rights Commission's conclusion pursuant to 42 U.S.C. § 2000e-5(b).

2. If the Nevada Equal Rights Commission has issued a right-to-sue notice pursuant to this section or NRS 613.412, the person alleging such a practice has occurred may bring a civil action in the district court not later than 90 days after the date of receipt of the right-to-sue notice for any appropriate relief, including, without limitation, an order granting or restoring to that person the rights to which the person is entitled under those sections.

Sec. 3.5. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 4. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin, ancestry or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry. *As used in this subsection:*

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 5. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual

orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

➥ *As used in this paragraph, "race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles, as defined in paragraph (a) of subsection 3 of NRS 233.010.*

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 6. ~~[NRS 233.170 is hereby amended to read as follows:~~

~~233.170 1. When a complaint is filed whose allegations if true would support a finding of unlawful practice, the Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.~~

~~2. If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. *If the Administrator makes a determination to conduct an investigation, the investigation must be completed not later than 13 months after the date on which the complaint was filed with the Commission.* After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The party against whom a complaint was filed may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.~~

~~3. If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:~~

~~(a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and~~

~~(b) Order the person to:~~

~~(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the person must take.~~

~~(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period described in subsection 4, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.~~

~~(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.~~

~~(4) In cases involving an unlawful employment practice committed by an employer with 50 or more employees that the Commission determines was willful, pay a civil penalty of:~~

~~(I) For the first unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $5,000.~~

~~(II) For the second unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $10,000.~~

~~(III) For the third and any subsequent unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $15,000.~~

~~4. For the purposes of subparagraph (2) of paragraph (b) of subsection 3, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection 3.~~

~~5. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection 3, the Commission must allow the person found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection 3. If the person takes such corrective action, the Commission shall not impose the civil penalty.~~

~~6. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the~~

~~Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.~~

~~7. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.~~

~~8. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.]~~ (Deleted by amendment.)

Sec. 7. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Notwithstanding]~~ Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if a board of county commissioners, a county officer or any other person acting on behalf of a county includes testing as a factor in a decision regarding the vertical promotion of an employee:

(a) The testing must be conducted by a third party which is independent from the board of county commissioners, county officer or other person acting on behalf of the county, as applicable.

(b) A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the employee's test score. The third party must send an employee's test score to the employee and the board of county commissioners, the county officer or other person acting on behalf of a county at the same time.

(c) The board of county commissioners, county officer or other person acting on behalf of the county shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).

(d) An employee who is aggrieved by his or her test score may appeal the testing process.

2. During the appeal process authorized by paragraph (d) of subsection 1:

(a) The employee who appeals the testing process is entitled to see:

(1) How his or her test was graded; and

(2) The questions which the employee answered incorrectly . ~~[; and~~

~~*(3) The correct answers for the questions which the employee answered incorrectly.]*~~

(b) The board of county commissioners, county officer or other person acting on behalf of the county, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.

3. A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. The provisions of this section do not apply to a county department that has less than 200 employees.

5. As used in this section, "test" and "testing" includes, without limitation, a written test [,] or oral board . [or any other form or format of test of knowledge, skills, achievement or aptitude.]

Sec. 8. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [Notwithstanding] Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if the governing body of an incorporated city or a city officer includes testing as a factor in a decision regarding the vertical promotion of an employee:

(a) The testing must be conducted by a third party which is independent from the governing body or city officer, as applicable.

(b) A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the employee's test score. The third party must send an employee's test score to the employee and the governing body of an incorporated city or the city officer, as applicable, at the same time.

(c) The governing body or city officer, as applicable, shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).

(d) An employee who is aggrieved by his or her test score may appeal the testing process.

2. During the appeal process authorized by paragraph (d) of subsection 1:

(a) The employee who appeals the testing process is entitled to see:

(1) How his or her test was graded; and

(2) The questions which the employee answered incorrectly . [; and

(3) The correct answers for the questions which the employee answered incorrectly.]

(b) The governing body of an incorporated city or the city officer, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.

3. A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. The provisions of this section do not apply to a city department that has less than 200 employees.

5. As used in this section, "test" and "testing" includes, without limitation, a written test [,] or oral board . [or any other form or format of test of knowledge, skills, achievement or aptitude.]

Sec. 8.5. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 9. NRS 281.370 is hereby amended to read as follows:

281.370 1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because of the person's race, creed, color, national origin, sex, sexual orientation, gender identity or expression, age, political affiliation or disability, except when based upon a bona fide occupational qualification.

3. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "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.

(c) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(d) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

(e) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 9.5. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 10. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Commission" means the Personnel Commission.

3. "Disability," includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.

4. "Division" means the Division of Human Resource Management of the Department of Administration.

5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

7. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

~~[7.]~~ *8. "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.*

9. "Veteran" means a person who:

(a) Was regularly enlisted, drafted, inducted or commissioned in the:

(1) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;

(2) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or

(3) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and

(b) Was separated from such service under conditions other than dishonorable.

~~[8.]~~ *10.* "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to NRS 417.0187.

Sec. 10.5. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 11. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection ~~[5]~~ *6* and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections ~~[7]~~ *8* and ~~[10,]~~ *11,* discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections ~~[8]~~ *9* and ~~[10,]~~ *11*, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection ~~[5]~~ *6* for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. *The provisions of sections 7, 8 and 23 of this act are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of section 7, 8 or 23 of this act is unenforceable and void.*

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

~~[5.]~~ *6.* Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

~~[6.]~~ *7.* The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

~~[7.]~~ *8.* If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

~~[8.]~~ *9.* The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

~~[9.]~~ *10.* Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection ~~[8]~~ *9* or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection ~~[8]~~ *9* is unenforceable and void.

~~[10.]~~ *11.* The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~[11.]~~ *12.* This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[12.]~~ *13.* Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~[13.]~~ *14.* As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 12. NRS 288.270 is hereby amended to read as follows:

288.270 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

(a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Dominate, interfere or assist in the formation or administration of any employee organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization.

(d) Discharge or otherwise discriminate against any employee because the employee has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because the employee has formed, joined or chosen to be represented by any employee organization.

(e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(f) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(g) Fail to provide the information required by NRS 288.180.

(h) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

(a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter.

(b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively includes the entire bargaining process, including mediation and fact-finding, provided for in this chapter.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, physical or visual handicap, national origin or because of political or personal reasons or affiliations.

(d) Fail to provide the information required by NRS 288.180.

3. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 13. NRS 288.500 is hereby amended to read as follows:

288.500 1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) The subjects of mandatory bargaining set forth in subsection 2 of NRS 288.150, except paragraph (f) of that subsection;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The subject matters set forth in subsection 3 of NRS 288.150 are not within the scope of mandatory bargaining and are reserved to the Executive Department without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Executive Department is entitled to take the actions set forth in paragraph (b) of subsection ~~[5]~~ *6* of NRS 288.150. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of NRS 288.400 to 288.630, inclusive, do not require, the Executive Department to negotiate subject matters set forth in subsection 3 which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

6. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in subsection 2. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

7. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.150 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 13.5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding the protections in this chapter for hair texture and protective hairstyles, an employer may enforce health and safety requirements set forth in federal or state law.

Sec. 14. NRS 338.125 is hereby amended to read as follows:

338.125 1. It is unlawful for any contractor in connection with the performance of work under a contract with a public body, when payment of the contract price, or any part of such payment, is to be made from public

money, to refuse to employ or to discharge from employment any person because of his or her race, color, creed, national origin, sex, sexual orientation, gender identity or expression, or age, or to discriminate against a person with respect to hire, tenure, advancement, compensation or other terms, conditions or privileges of employment because of his or her race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age.

2. Contracts between contractors and public bodies must contain the following contractual provisions:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.

The contractor further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

3. Any violation of such provision by a contractor constitutes a material breach of contract.

4. As used in this section:

(a) "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.

(b) *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

(c) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

(d) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 15. NRS 386.845 is hereby amended to read as follows:

386.845 1. A board of trustees of a school district may:

(a) Authorize for commercial advertising the use of buses owned by the school district; and

(b) Establish the fees and other terms and conditions which are applicable to such advertising.

2. Any advertising authorized pursuant to subsection 1:

(a) Must conform with all applicable local ordinances regarding signs; and

(b) Must not:

(1) Promote hostility, disorder or violence;

(2) Attack groups on the basis of their ethnicity, race, religion, sexual orientation, or gender identity or expression;

(3) Invade the rights of others;

(4) Inhibit the functioning of the school;

(5) Override the school's identity;

(6) Promote the use of controlled substances, dangerous drugs, intoxicating liquor, tobacco or firearms;

(7) Promote any religious organization;

(8) Contain political advertising; or

(9) Promote entertainment deemed improper or inappropriate by the board of trustees.

3. The board of trustees of each school district that receives money pursuant to subsection 1 shall establish a special revenue fund and direct that the money it receives pursuant to subsection 1 be deposited in that fund. Money in the fund must not be commingled with money from other sources. The board of trustees shall disburse the money in the fund to the schools within its district giving preference to the schools within the district that the district has classified as serving a significant proportion of pupils who are economically disadvantaged.

4. A school that receives money pursuant to subsection 3 shall expend the money only to purchase textbooks and laboratory equipment and to pay for field trips.

5. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 16. NRS 386.855 is hereby amended to read as follows:

386.855 1. The board of trustees of a school district may, in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms.

2. The policy must:

(a) Describe the uniforms;

(b) Designate which pupils must wear the uniforms;

(c) Designate the hours or events during which the uniforms must be worn; and

(d) To the extent practicable, be consistent with the policy adopted pursuant to NRS 392.453.

3. If the board of trustees of a school district establishes a policy that requires pupils to wear school uniforms, the board shall facilitate the acquisition of school uniforms for pupils whose parents or legal guardians request financial assistance to purchase the uniforms.

4. The board of trustees of a school district may establish a dress code enforceable during school hours for the teachers and other personnel employed by the board of trustees.

5. A dress code or a policy that requires pupils to wear school uniforms may not discriminate against a pupil based on ~~[his or her]~~ race. ~~[Discrimination]~~ Race discrimination prohibited by this subsection includes, without limitation, ~~[considering]~~ the enforcement of a dress code or policy that requires school uniforms whereby a pupil's hair texture , hairstyle, including, without limitation, a protective hairstyle, or ~~[protective hairstyles a violation of]~~ other trait associated with race violates the dress code or the policy . ~~[that requires pupils to wear school uniforms.]~~

6. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 17. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. *"Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.*

Sec. 19. *"Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.*

Sec. 20. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, *and sections 18 and 19 of this act,* unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, *and sections 18 and 19 of this act* have the meanings ascribed to them in those sections.

Sec. 21. NRS 388A.453 is hereby amended to read as follows:

388A.453 1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336, subsections 1 and 2 of NRS 388A.456, and any applicable federal law, including, without limitation, 42 U.S.C. §§ 11301 et seq., a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the

school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity;

(e) Disability;

(f) Sexual orientation; or

(g) Gender identity or expression,

➥ of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of NRS 385A.740, who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of NRS 385A.740.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

9. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 22. NRS 388C.010 is hereby amended to read as follows:

388C.010 1. The Legislature declares that the primary consideration of the Legislature when enacting legislation regarding the appropriate instruction of profoundly gifted pupils in Nevada is to pursue all suitable means for the promotion of intellectual, literary and scientific improvements to the system of public instruction in a manner that will best serve the interests of all pupils, including profoundly gifted pupils.

2. The Legislature further declares that there are pupils enrolled in the public middle schools, junior high schools and high schools in this State who are so profoundly gifted that their educational needs are not being met by the schools in which they are enrolled, and by participating in an accelerated program of education, these pupils may obtain early admission to university studies. These accelerated programs should be designed to address the different and distinct learning styles and needs of these profoundly gifted pupils.

3. It is the intent of the Legislature that participation in such accelerated programs of education for profoundly gifted pupils be open to all qualified applicants, regardless of race, culture, ethnicity, economic means, sexual orientation, or gender identity or expression, and that specific criteria for admission into those programs be designed to determine the potential for success of an applicant.

4. It is further the intent of the Legislature to support and encourage the ongoing development of innovative educational programs and tools to improve the educational opportunities of profoundly gifted pupils, regardless of race, culture, ethnicity, economic means, sexual orientation, or gender identity or expression and to increase the educational opportunities of pupils who are identified as profoundly gifted, gifted and talented, having special educational needs or being at risk for underachievement.

5. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 23. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Notwithstanding]~~ Except as otherwise provided in subsection 4, notwithstanding the provisions of any collective bargaining agreement to the contrary, if the superintendent of schools or the board of trustees of a school district includes testing as a factor in a decision regarding the vertical promotion of an employee:

(a) The testing must be conducted by a third party which is independent from the superintendent or the board of trustees, as applicable.

(b) A third party which conducts a test must send to each employee who takes the test a confidential electronic mail message which contains the

employee's test score. The third party must send an employee's test score to the employee and the superintendent or the board of trustees at the same time.

(c) The superintendent or the board of trustees, as applicable, shall not produce a list of the employees who took the test, ranked in order of their test scores, until after the third party which conducted the test has sent each employee his or her test score pursuant to paragraph (b).

(d) An employee who is aggrieved by his or her test score may appeal the testing process.

2. During the appeal process authorized by paragraph (d) of subsection 1:

(a) The employee who appeals the testing process is entitled to see:

(1) How his or her test was graded; and

(2) The questions which the employee answered incorrectly . ~~[; and~~

~~*(3) The correct answers for the questions which the employee answered incorrectly.]*~~

(b) The superintendent or the board of trustees, as applicable, shall ensure that the employee was ranked properly based on the employee's test score.

3. A person who tampers with the score of a test taken by an employee is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. The provisions of this section do not apply to a district or school department that has less than 200 employees.

5. As used in this section, "test" and "testing" includes, without limitation, a written test, oral board or any other form or format of test of knowledge, skills, achievement or aptitude.

Sec. 24. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil enrolled in a public school may not be disciplined, including, without limitation, pursuant to subsection 5 of NRS 386.855 or NRS 392.466 or 392.467, based on the race of the pupil.

2. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 25. NRS 396.530 is hereby amended to read as follows:

396.530 *1.* The Board of Regents shall not discriminate in the admission of students on account of national origin, religion, age, physical disability, sex, sexual orientation, gender identity or expression, race or color.

2. As used in this section:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes ~~[ancestry, color, ethnic group identification, ethnic background and]~~ traits ~~[historically]~~ associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 26. 1. This section and sections 1 to 6, inclusive, 9 to 22, inclusive, 24 and 25 of this act ~~[becomes]~~ become effective upon passage and approval.

2. Sections 7, 8 and 23 of this act become effective on October 1, 2021.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 250 makes several changes to Senate Bill No. 327. It defines "race" to include traits associated with race, including, without limitation, hair texture and protective hairstyles. It provides that notwithstanding the protections for hair texture and protective hairstyles, an employer may enforce health-and-safety requirements set forth in federal or State law. It deletes section 6 to remove the 13-month limitation for the Nevada Equal Rights Commission to complete an investigation. It revises certain provisions regarding employee testing by a city, county or school district and provides that the provisions apply to "vertical" promotions and do not apply to a department with fewer than 200 employees. It provides certain requirements for forwarding an employee's test score. It provides that race discrimination includes "the enforcement of a dress code or policy that requires school uniforms whereby a pupil's hair texture, hairstyle, including, without limitation, a protective hairstyle or other trait associated with race violates the dress code or policy."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 222.

SUMMARY—Revises provisions relating to charter schools. (BDR 34-530)

AN ACT relating to education; requiring the governing body of each charter school that enters into a contract with certain organizations to report certain information to the ~~[State Public Charter School Authority]~~ sponsor of the charter school in each even-numbered year; requiring the sponsor of each charter school that enters into a contract with certain organizations to report certain information to the Legislature in each even-numbered year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a charter school is authorized to contract with educational management organizations to provide services relating to the operation and management of the school. (NRS 388A.030; 388A.223) This bill requires the governing body of each charter school that enters into a contract with an educational management organization to submit a report in each even-numbered year to the ~~[State Public Charter School Authority]~~ sponsor of the charter school that includes the amount paid to the management company under the contract. This bill further requires the sponsor of each charter school that enters into a contract with an educational management organization to submit such a report in each even-numbered year to the Legislature.

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

Section 1. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

On or before November 1 of each even-numbered year, the governing body of each charter school that enters into a contract with an educational management organization shall submit to the ~~[State Public Charter School Authority]~~ sponsor of the charter school a report that includes the amount paid to the educational management organization in the current and immediately preceding fiscal years. On or before November 1 of each even-numbered year, each sponsor of a charter school that enters into a contract with an educational management organization shall submit to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature a report that includes the amount paid to the educational management organization by the charter school in the current and immediately preceding fiscal years.

Sec. 2. 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.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 222 to Senate Bill No. 363 requires a charter school governing body that has entered into a contract with an educational-management organization to submit the required report to the sponsor of the charter school rather than the State Public Charter School Authority. It requires each charter school sponsor with such a contract to submit the report to the Legislature in even-numbered years.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 214.

SUMMARY—Revises provisions relating to juvenile competency. (BDR 5-498)

AN ACT relating to juvenile justice; authorizing a juvenile court to order a child who has been found incompetent ~~[for the purpose of certification for criminal proceedings as an adult]~~ to receive treatment at certain facilities operated by the Division of Child and Family Services of the Department of Health and Human Services; requiring such a facility to accept such a child for treatment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing]~~ Subject to the jurisdiction of the juvenile court, in a case to determine the competence of a child, existing law requires a juvenile court to ~~[certify a child for criminal proceedings as an adult under certain circumstances. However, existing law prohibits a juvenile court from certifying a child for criminal proceedings as an adult if the juvenile court finds by clear and convincing evidence that: (1) the child is developmentally or~~

~~mentally incompetent to understand the situation and the proceedings of the court or to aid the child's attorney in those proceedings; or (2) the child has a substance use disorder or emotional or behavioral problems and the substance use disorder or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court. (NRS 62B.390)~~

~~Section 1 of this bill]~~ suspend the case until the question of competence is determined if doubt arises as to the competence of the child. (NRS 62D.145) Existing law requires a juvenile court which has determined a child to be developmentally or mentally incompetent ~~[for the purpose of certification for criminal proceedings as an adult]~~ to determine: (1) whether the child is a danger to himself or herself or society; (2) whether providing services to the child will assist the child in attaining competence and further the state policy goals for the juvenile justice system; and (3) the best form of any services to be provided to the child, including whether such services would be best provided to the child as an outpatient or inpatient. Existing law requires the juvenile court to issue all necessary and appropriate recommendations and orders after making such determinations. (NRS 62D.180) Existing law also prohibits the commitment of a child by court order to a facility of the Division of Child and Family Services of the Department of Health and Human Services if the administrative officer of the facility or the administrative officer's designee determines that the treatment available at the facility is not appropriate or necessary for the child's health and welfare. (NRS 433B.320)

Section ~~[1 also]~~ 1.3 of this bill authorizes a juvenile court to issue an order to join any governmental entity or other person as a party to enforce a legal obligation of the entity or person to the child who is the subject of the proceeding if, before issuing the order, the court provides notice and an opportunity to be heard to the entity or person. Section 1.7 of this bill authorizes the juvenile court to order a facility of the Division ~~[of Child and Family Services of the Department of Health and Human Services]~~ to accept and provide services to a child who has been determined to be incompetent . ~~[for the purpose of certification for criminal proceedings as an adult.]~~ Section 3 of this bill requires a facility of the Division to accept and provide services to a child who has been determined to be incompetent ~~[for the purpose of certification for criminal proceedings as an adult]~~ when ordered pursuant to section ~~[1.]~~ 1.7 or 2 of this bill. Section 4 of this bill : (1) exempts an admission to a facility of the Division ordered pursuant to section ~~[1]~~ 1.7 or 2 from the requirement that admission to such a facility is only authorized after consultation with and approval by the administrative officer of the facility or the administrative officer's designee ~~[.]~~ ; and (2) requires the administrative officer of the facility or the administrative officer's designee to assist the juvenile court in identifying an alternative facility if the administrative officer or the administrative officer's designee determines that the treatment available at the facility is not appropriate or necessary for the child's health and welfare. (NRS 433B.320)

~~[Section 2 of this bill makes a conforming change that]~~ Existing law requires the juvenile court to conduct a periodic review to determine whether a child who has been determined to be incompetent ~~[for the purpose of certification for criminal proceedings as an adult]~~ has attained competence. ~~[Section 1 requires]~~ Existing law requires a juvenile court which has determined ~~[, for the purpose of certification for criminal proceedings as an adult,]~~ that a child has not attained competence and is unlikely to attain competence in the foreseeable future to ~~[: (1) dismiss the motion for certification for criminal proceedings as an adult; and (2)]~~ hold a hearing to consider the best interest of the child and the safety of the community and determine whether to dismiss any proceedings against the child and terminate its jurisdiction. (NRS 62D.185) Section 2: (1) requires the juvenile court to issue all necessary and appropriate recommendations and orders; and (2) authorizes the juvenile court to order a facility of the Division to accept and provide services to the child.

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

Section 1. ~~[Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the juvenile court finds that a child is developmentally or mentally incompetent pursuant to paragraph (a) of subsection 3 of NRS 62B.390, the juvenile court shall determine whether:*~~

~~*(a) The child is a danger to himself or herself or society;*~~

~~*(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and*~~

~~*(c) Any services provided to the child are best provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.*~~

~~*2. After the juvenile court makes the determinations set forth in subsection 1, the juvenile court shall issue all necessary and appropriate recommendations and orders. The juvenile court may order a division facility to accept and provide services to the child. As used in this subsection, "division facility" has the meaning ascribed to it in NRS 433B.070.*~~

~~*3. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.*~~

~~*4. The juvenile court shall conduct a periodic review to determine whether the child has attained competence pursuant to NRS 62D.185. If the juvenile court determines that the child has not attained competence and is unlikely to attain competence in the foreseeable future, the juvenile court shall:*~~

~~*(a) Dismiss the motion for certification for criminal proceedings as an adult; and*~~

~~*(b) Determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court pursuant to paragraph (c) of subsection 3 of NRS 62D.185.]~~ (Deleted by amendment.)

Sec. 1.3. Chapter 62D of NRS is hereby amended by adding thereto a new section to read as follows:

In each proceeding conducted pursuant to the provisions of this title, the juvenile court may issue an order to join any governmental entity or other person as a party to enforce a legal obligation of the entity or person to the child who is the subject of the proceeding if, before issuing the order, the court provides notice and an opportunity to be heard to the governmental entity or person.

Sec. 1.7. NRS 62D.180 is hereby amended to read as follows:

62D.180 1. After the juvenile court considers the written reports of all the experts appointed by the juvenile court, any additional written reports, and testimony and other evidence presented at the hearing, the juvenile court shall determine whether the child is incompetent.

2. If the juvenile court determines that the child is competent, the juvenile court shall proceed with the case.

3. If the juvenile court determines that the child is incompetent, the juvenile court shall determine whether:

(a) The child is a danger to himself or herself or society;

(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and

(c) Any services provided to the child can best be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

4. After the juvenile court makes the determinations set forth in subsection 3, the juvenile court shall issue all necessary and appropriate recommendations and orders. *The juvenile court may order a division facility to accept and provide services to the child. As used in this subsection, "division facility" has the meaning ascribed to it in NRS 433B.070.*

5. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.

Sec. 2. NRS 62D.185 is hereby amended to read as follows:

62D.185 1. If the juvenile court determines that a child is incompetent pursuant to NRS 62D.180 , ~~*[for section 1 of this act,]*~~ the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:

(a) Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;

(b) After any period of extended treatment;

(c) After the child completes any treatment ordered by the juvenile court;

(d) After a person ordered by the juvenile court to provide services to the child pursuant to NRS 62D.180 ~~*[or section 1 of this act]*~~ determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to NRS 62D.180 ~~*[or section 1 of this act]*~~ must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.

3. After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with NRS 62D.140 to 62D.190, inclusive, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and *shall issue all necessary and appropriate recommendations and orders. The juvenile court may, without limitation, order a division facility to accept and provide services to the child or* determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

4. As used in this section, "division facility" has the meaning ascribed to it in NRS 433B.070.

Sec. 3. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.

(c) Upon an order of a juvenile court pursuant to ~~[section 1 of this act,]~~ NRS 62D.180 or 62D.185, accept and provide services to a child who has been determined to be incompetent by the juvenile court . ~~[for the purpose of certification for criminal proceedings as an adult.]~~

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.

Sec. 4. NRS 433B.320 is hereby amended to read as follows:

433B.320 1. In any case involving commitment by court order, *except a case where commitment was ordered by a juvenile court pursuant to ~~[section 1 of this act,]~~ NRS 62D.180 or 62D.185,* admission to a treatment facility may be only after consultation with and approval by the administrative

officer of the facility or the administrative officer's designee, who shall determine whether the treatment available at the facility is appropriate or necessary for the child's health and welfare.

2. ~~[A]~~ *In a case where commitment to a treatment facility was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, if the administrative officer of the facility or the administrative officer's designee has determined that the treatment available at the facility is not appropriate or necessary for the child's health and welfare, the administrative officer or the administrative officer's designee shall assist the court with identifying a facility that has the appropriate or necessary treatment.*

3. Except in a case where commitment was ordered by a juvenile court pursuant to NRS 62D.180 or 62D.185, a child committed by court order must not be released from a treatment facility until the administrative officer determines that treatment in the facility is no longer beneficial to the child.

Sec. 5. 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. 6. This act becomes effective on July 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 214 to Senate Bill No. 366 deletes much of section 1 and replaces it with new language relating to the process by which a juvenile court may ensure that a child who is deemed incompetent will receive appropriate treatment.

The amendment authorizes a juvenile court to issue an order to join any governmental agency or other person as a party to enforce a legal obligation to a child who is the subject of the order if the court provides the entity notice and an opportunity to be heard before issuing the order. The court is then authorized to order a facility of the Division of Child and Family Services (DCFS) of DHHS to accept and provide services to a child who has been found incompetent. Additionally, the amendment requires the administrative officer of a facility to assist the juvenile court in identifying an alternate facility if the administrator determines that the treatment available at the facility is not appropriate or necessary for the child's health and welfare.

Finally, the amendment provides that if a child is determined to be incompetent and is unlikely to attain competence in the foreseeable future, after a hearing is held on the matter, the juvenile court is to issue all necessary and appropriate recommendations and orders and is authorized to order a DCFS facility to accept and provide services to the child.

Amendment adopted.

The following amendment was proposed by Senator Ohrenschall:

Amendment No. 440.

SUMMARY—Revises provisions relating to juvenile competency. (BDR 5-498)

AN ACT relating to juvenile justice; authorizing a juvenile court to order a child who has been found incompetent for the purpose of certification for criminal proceedings as an adult to receive treatment at certain facilities operated by the Division of Child and Family Services of the Department of

Health and Human Services; requiring such a facility to accept such a child for treatment; prohibiting a child found to be incompetent from being committed to the custody of a correctional facility; allowing a child found to be incompetent to petition to seal his or her record; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a juvenile court to certify a child for criminal proceedings as an adult under certain circumstances. However, existing law prohibits a juvenile court from certifying a child for criminal proceedings as an adult if the juvenile court finds by clear and convincing evidence that: (1) the child is developmentally or mentally incompetent to understand the situation and the proceedings of the court or to aid the child's attorney in those proceedings; or (2) the child has a substance use disorder or emotional or behavioral problems and the substance use disorder or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court. (NRS 62B.390)

Section 1 of this bill requires a juvenile court which has determined a child to be developmentally or mentally incompetent for the purpose of certification for criminal proceedings as an adult to determine: (1) whether the child is a danger to himself or herself or society; (2) whether providing services to the child will assist the child in attaining competence and further the state policy goals for the juvenile justice system; and (3) the best form of any services to be provided to the child, including whether such services would be best provided to the child as an outpatient or inpatient. Section 1 also authorizes the juvenile court to order a facility of the Division of Child and Family Services of the Department of Health and Human Services to accept and provide services to a child who has been determined to be incompetent for the purpose of certification for criminal proceedings as an adult. Section 3 of this bill requires a facility of the Division to accept and provide services to a child who has been determined to be incompetent for the purpose of certification for criminal proceedings as an adult when ordered pursuant to section 1. Section 4 of this bill exempts an admission to a facility of the Division ordered pursuant to section 1 from the requirement that admission to such a facility is only authorized after consultation with and approval by the administrative officer of the facility or the administrative officer's designee. (NRS 433B.320)

Section 2 of this bill makes a conforming change that requires the juvenile court to conduct a periodic review to determine whether a child who has been determined to be incompetent for the purpose of certification for criminal proceedings as an adult has attained competence. Section 1 requires a juvenile court which has determined, for the purpose of certification for criminal proceedings as an adult, that a child has not attained competence and is unlikely to attain competence in the foreseeable future to: (1) dismiss the motion for certification for criminal proceedings as an adult; and (2) determine whether to dismiss any proceedings against the child and terminate its jurisdiction.

Existing law provides that a child found to be incompetent may not be adjudicated delinquent or placed under the supervision of a juvenile court. (NRS 62D.190) Section 2.3 of this bill provides that a child found to be incompetent may not be committed to the custody of a correctional facility. Additionally, section 2.3 authorizes a child found to be incompetent to request that his or her records be sealed. Section 2.7 of this bill makes conforming changes to reflect the change regarding the sealing of records in section 2.3.

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

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the juvenile court finds that a child is developmentally or mentally incompetent pursuant to paragraph (a) of subsection 3 of NRS 62B.390, the juvenile court shall determine whether:

(a) The child is a danger to himself or herself or society;

(b) Providing services to the child will assist the child in attaining competence and further the policy goals set forth in NRS 62A.360; and

(c) Any services provided to the child are best provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

2. After the juvenile court makes the determinations set forth in subsection 1, the juvenile court shall issue all necessary and appropriate recommendations and orders. The juvenile court may order a division facility to accept and provide services to the child. As used in this subsection, "division facility" has the meaning ascribed to it in NRS 433B.070.

3. Any treatment ordered by the juvenile court must provide the level of care, guidance and control that will be conducive to the child's welfare and the best interests of this State.

4. The juvenile court shall conduct a periodic review to determine whether the child has attained competence pursuant to NRS 62D.185. If the juvenile court determines that the child has not attained competence and is unlikely to attain competence in the foreseeable future, the juvenile court shall:

(a) Dismiss the motion for certification for criminal proceedings as an adult; and

(b) Determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court pursuant to paragraph (c) of subsection 3 of NRS 62D.185.

Sec. 2. NRS 62D.185 is hereby amended to read as follows:

62D.185 1. If the juvenile court determines that a child is incompetent pursuant to NRS 62D.180 ~~[,]~~ *or section 1 of this act,* the juvenile court shall conduct a periodic review to determine whether the child has attained competence. Unless the juvenile court terminates its jurisdiction pursuant to paragraph (c) of subsection 3, such a periodic review must be conducted:

(a) Not later than 6 months after the date of commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160 or the date treatment ordered by the court commenced, whichever is earlier;

(b) After any period of extended treatment;

(c) After the child completes any treatment ordered by the juvenile court;

(d) After a person ordered by the juvenile court to provide services to the child pursuant to NRS 62D.180 *or section 1 of this act* determines that the child has attained competence or will never attain competence; or

(e) At shorter intervals as ordered by the juvenile court.

2. Before a periodic review is conducted pursuant to subsection 1, any person ordered by the juvenile court to provide services to a child pursuant to NRS 62D.180 *or section 1 of this act* must provide a written report to the juvenile court, the parties, and the department of juvenile services or Youth Parole Bureau, as applicable.

3. After a periodic review is conducted pursuant to subsection 1, if the juvenile court determines that the child:

(a) Is competent, the juvenile court shall enter an order accordingly and proceed with the case.

(b) Has not attained competence, the juvenile court shall order appropriate treatment, including, without limitation, residential or nonresidential placement in accordance with NRS 62D.140 to 62D.190, inclusive, commitment to an institution for persons with intellectual disabilities or mental illness pursuant to NRS 62E.160, or as otherwise allowed by law.

(c) Has not attained competence and will be unable to attain competence in the foreseeable future, the juvenile court shall hold a hearing to consider the best interests of the child and the safety of the community and determine whether to dismiss any petitions pending before the juvenile court and terminate the jurisdiction of the juvenile court. In determining whether to dismiss a petition and terminate its jurisdiction pursuant to this paragraph, the juvenile court shall consider:

(1) The nature and gravity of the act allegedly committed by the child, including, without limitation, whether the act involved violence, the infliction of serious bodily injury or the use of a weapon;

(2) The date the act was allegedly committed by the child;

(3) The number of times the child has allegedly committed the act;

(4) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment;

(5) The extent to which the child has received education, services or treatment relating to remediating, restoring or attaining competence and the response of the child to any such education, services or treatment;

(6) Whether any psychological or psychiatric profiles of the child indicate a risk of recidivism;

(7) The behavior of the child while he or she is subject to the jurisdiction of the juvenile court, including, without limitation, during any period of confinement;

(8) The extent to which counseling, therapy or treatment will be available to the child in the absence of continued juvenile court jurisdiction;

(9) Any physical conditions that minimize the risk of recidivism, including, without limitation, physical disability or illness;

(10) The age, mental attitude, maturity level and emotional stability of the child;

(11) The extent of family support available to the child;

(12) Whether the child has had positive psychological and social evaluations; and

(13) Any other factor the juvenile court deems relevant to the determination of whether continued juvenile court jurisdiction will be conducive to the welfare of the child and the safety of the community.

Sec. 2.3. NRS 62D.190 is hereby amended to read as follows:

62D.190 *1.* If the juvenile court determines that a child is incompetent pursuant to NRS 62D.180, during the period that the child remains incompetent, the child may not be:

~~[1.]~~ *(a)* Adjudicated a delinquent child or a child in need of supervision; ~~[or~~

~~2.]~~ *(b)* Placed under the supervision of the juvenile court pursuant to a supervision and consent decree pursuant to NRS 62C.230 ~~[.]~~ *; or*

(c) Committed to the custody of a correctional facility.

2. If the juvenile court determines that a child is incompetent and unable to attain competence in the foreseeable future pursuant to subsection 3 of NRS 62D.185, the child may petition to have his or her records sealed pursuant to NRS 62H.130.

Sec. 2.7. NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the child or a probation or parole officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. Except as otherwise provided in NRS 62E.275, the petition may be filed:

(a) Not earlier than 3 years after the child was last adjudicated in need of supervision, adjudicated delinquent, ~~[or]~~ placed under the supervision of the juvenile court pursuant to NRS 62C.230 ~~[.]~~ *or determined to be incompetent and unlikely to attain competence in the foreseeable future pursuant to subsection 3 of NRS 62D.185;* and

(b) If, at the time the petition is filed, the child does not have any delinquent or criminal charges pending.

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation or parole officer is not the petitioner, the chief probation officer or the Chief of the Youth Parole Bureau.

3. The district attorney and the chief probation officer or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee, or any

other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. Except as otherwise provided in subsection 6, after the hearing on the petition, if the juvenile court finds that during the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and the child has been rehabilitated to the satisfaction of the juvenile court, the juvenile court:

(a) May enter an order sealing all records relating to the child if the child is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.

5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under the supervision of the juvenile court pursuant to NRS 62C.230;

(d) The response of the child to any treatment or rehabilitation program;

(e) The education and employment history of the child;

(f) The statement of the victim;

(g) The nature of any criminal offense for which the child was convicted;

(h) Whether the sealing of the record would be in the best interest of the child and the State; and

(i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.

Sec. 3. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.

(c) Upon an order of a juvenile court pursuant to section 1 of this act, accept and provide services to a child who has been determined to be incompetent by the juvenile court for the purpose of certification for criminal proceedings as an adult.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.

Sec. 4. NRS 433B.320 is hereby amended to read as follows:

433B.320 1. In any case involving commitment by court order, *except a case where commitment was ordered by a juvenile court pursuant to section 1 of this act,* admission to a treatment facility may be only after consultation with and approval by the administrative officer of the facility or the administrative officer's designee, who shall determine whether the treatment available at the facility is appropriate or necessary for the child's health and welfare.

2. A child committed by court order must not be released from a treatment facility until the administrative officer determines that treatment in the facility is no longer beneficial to the child.

Sec. 5. 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. 6. This act becomes effective on July 1, 2021.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 440 to Senate Bill No. 366 clarifies that a child in the juvenile-delinquency system who is found to be not competent may not be committed to the custody of the youth-correctional facility during the period the child is deemed not to be competent. Furthermore, the proposed amendment would provide that such a child who is found not to be competent would have the same right to seek record sealing as a child adjudicated as a delinquent.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 458.

SUMMARY—Revises provisions relating to electric bicycles. (BDR 43-835)

AN ACT relating to bicycles; revising provisions relating to the classifying, operating, labeling and equipping of electric bicycles; including riding an electric bicycle as a recreational activity for the purposes of the provision governing liability to persons using premises for recreational activities; providing that certain crimes against property apply to electric bicycles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines an electric bicycle for various purposes as a device upon which a person may ride that is generally recognized as a bicycle, is propelled by an electric engine that must not produce more than 1 gross brake horsepower or achieve a speed of more than 20 miles per hour while traveling on a flat surface and that has certain other specifications. (NRS 482.0287, 483.067, 484B.017) Existing law: (1) excludes electric bicycles from vehicle licensing and registration requirements; (2) excludes electric bicycles from the provisions requiring vehicle drivers' licenses; and (3) provides that electric bicycles are subject to the same traffic laws and various other requirements as bicycles (NRS 482.210, 483.090, 483.230, 484B.763)

Section 10 of this bill establishes three classes of electric bicycles and establishes separate maximum speed and propulsion requirements for each class. Sections 1, 2, 4, 6 and 11-13 of this bill make conforming changes to uniformly apply this definition of "electric bicycle." Section 8 of this bill: (1) prohibits a person under the age of 16 years from operating a class 3 bicycle; (2) authorizes a person under the age of 16 years to ride as a passenger on a class 3 bicycle if allowed by the design; and (3) requires the operator and any passenger of a class 3 electric bicycle to wear a helmet. Section 9 of this bill: (1) requires a manufacturer or distributor of an electric bicycle in this State to apply certain labeling to an electric bicycle that it manufactures or distributes on or after January 1, 2022; (2) provides that an electric bicycle operating or sold in this State must comply with certain equipment, manufacturing and operational requirements; and (3) requires that a class 3 electric bicycle be equipped with a speedometer.

Existing law requires that electric bicycles be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using certain federal funding. (NRS 408.579) Section 18 of this bill eliminates this requirement and instead, section 5 of this bill, with certain exceptions, authorizes an electric bicycle to be ridden in places where bicycles are allowed.

Section 14 of this bill includes riding an electric bicycle in the nonexclusive list of activities in existing law that are considered recreational activities for the purposes of the provision governing liability to persons using premises for recreational activities. (NRS 41.510) Existing law also provides that it is

unlawful for any person to throw a projectile or substance at, or wrongfully damage, bicycles, motor vehicles or certain other devices and vehicles. (NRS 205.2741) Section 15 of this bill adds electric bicycles to that list of devices and vehicles.

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

Section 1. NRS 482.0287 is hereby amended to read as follows:

482.0287 "Electric bicycle" ~~[means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.~~

~~➥]~~ *has the meaning ascribed to it in NRS 484B.017.* The term does not include a moped or an electric scooter.

Sec. 2. NRS 483.067 is hereby amended to read as follows:

483.067 "Electric bicycle" ~~[means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.~~

~~➥]~~ *has the meaning ascribed to it in NRS 484B.017.* The term does not include a moped or an electric scooter, as defined in NRS 482.0295.

Sec. 3. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *"Electric bicycle" has the meaning ascribed to it in NRS 484B.017.*

Sec. 5. *1. Except as otherwise provided in this section or by federal law, an electric bicycle may be ridden in places where bicycles are allowed, including, without limitation, streets, highways, roads, roadways, bicycle lanes, bicycle paths and shared-use paths.*

2. A local authority, by ordinance, or a state agency, after notice and a hearing, may prohibit the operation of an electric bicycle or a class of electric bicycles on a bicycle path or shared-use path over which it has jurisdiction if the local authority or state agency finds that such a prohibition is necessary

to protect the health and safety of the public or comply with other laws or legal obligations.

3. The provisions of this subsection do not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials ~~*[.]*~~ *, except for occasional hydrological controls, including, without limitation, bridges and pervious patching materials. A local authority or state agency having jurisdiction over such a trail may regulate the use of an electric bicycle on that trail.*

4. As used in this section, "shared-use path" means a transportation circulation system that is physically separated from motor vehicle traffic, may be paved or unpaved and supports multiple recreational opportunities, such as walking, bicycling and inline skating.

Sec. 6. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, *and section 4 of this act* have the meanings ascribed to them in those sections.

Sec. 7. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. *1. No person under the age of 16 years may operate a class 3 electric bicycle.*

2. A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle that is designed to accommodate more than one passenger.

3. Any operator and passenger of a class 3 electric bicycle shall wear a properly fitted and fastened bicycle helmet that meets the standards adopted by the United States Consumer Product Safety Commission or the ASTM International, or its successor organization.

Sec. 9. *1. On and after January 1, 2022, a manufacturer or distributor of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle that it manufactures or distributes, as applicable. The label must:*

(a) Contain the classification number, maximum assisted speed and wattage of motor of the electric bicycle; and

(b) Be printed in Arial font in at least 9-point type.

2. ~~*[An]*~~ *A new electric bicycle* ~~*[operated]*~~ *sold in this State on or after October 1, 2021, must comply with the equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission pursuant to 16 C.F.R. Part 1512.*

3. An electric bicycle operated in this State must be equipped in such a manner that the electric motor is disengaged or ceases to function when ~~*[the]*~~*:*

(a) The rider stops pedaling ; or ~~*[when the]*~~

(b) The brakes are applied.

4. A person shall not tamper with or modify an electric bicycle in such a manner as to change the speed capability of the motor or the engagement of

an electric bicycle unless the label indicating the classification required by subsection 1 is replaced after modification.

5. A class 3 electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

Sec. 10. NRS 484B.017 is hereby amended to read as follows:

484B.017 "Electric bicycle" means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals ~~[and is propelled by a small]~~ *, a seat or saddle for the rider, an* electric ~~[engine which produces not more than 1 gross brake horsepower and]~~ *motor* which produces not more than 750 watts ~~[final output,]~~ and ~~[.]~~ *meets the requirements of one of the following three classes:*

1. ~~[Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and]~~ *"Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.*

2. ~~[Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.]~~ *"Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.*

3. "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

➥ The term does not include a moped or an electric scooter.

Sec. 11. NRS 485.050 is hereby amended to read as follows:

485.050 "Motor vehicle" means every self-propelled vehicle which is designed for use upon a highway, including:

1. Trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, tractor cranes, power shovels and well drillers; and

2. Every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

➥ The term does not include electric personal assistive mobility devices as defined in NRS 482.029 ~~[.]~~ *or an electric bicycle as defined in NRS 484B.017.*

Sec. 12. NRS 486.038 is hereby amended to read as follows:

486.038 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ The term does not include an electric bicycle as defined in NRS ~~[483.067]~~ *484B.017* or an electric scooter as defined in NRS 482.0295.

Sec. 13. NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS ~~[483.067,]~~ *484B.017,* an electric scooter as defined in NRS 482.0295, a tractor and a moped.

Sec. 14. NRS 41.510 is hereby amended to read as follows:

41.510 1. Except as otherwise provided in subsection 3, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

2. Except as otherwise provided in subsection 3, if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities upon those premises:

(a) The owner, lessee or occupant does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

(b) That person does not thereby acquire any property rights in or rights of easement to the premises.

3. This section does not:

(a) Limit the liability which would otherwise exist for:

(1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.

(2) Injury suffered in any case where permission to participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.

(3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

(b) Create a duty of care or ground of liability for injury to person or property.

4. As used in this section, "recreational activity" includes, but is not limited to:

(a) Hunting, fishing or trapping;

(b) Camping, hiking or picnicking;

(c) Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;

(d) Hang gliding or paragliding;

(e) Spelunking;

(f) Collecting rocks;

(g) Participation in winter sports, including cross-country skiing, snowshoeing or riding a snowmobile, or water sports;

(h) Riding animals, riding in vehicles or riding a road , ~~[or]~~ mountain *or electric* bicycle;

(i) Studying nature;

(j) Gleaning;

(k) Recreational gardening; and

(l) Crossing over to public land or land dedicated for public use.

Sec. 15. NRS 205.2741 is hereby amended to read as follows:

205.2741 1. It is unlawful for any person:

(a) To throw any stone, rock, missile or any substance at any bicycle , *electric bicycle, as defined in NRS 484B.017,* or electric scooter, as defined in NRS 482.0295, or at any motorbus, truck or other motor vehicle; or

(b) Wrongfully to injure, deface or damage any bicycle, *electric bicycle, as defined in NRS 484B.017,* or any motorbus, truck or other motor vehicle, or any part thereof.

2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged and in no event less than a misdemeanor.

Sec. 16. NRS 408.571 is hereby amended to read as follows:

408.571 1. The Department shall develop an educational program concerning bicycle and pedestrian safety which must be:

(a) Suitable for children and adults; and

(b) Developed by a person who is trained in the techniques of bicycle and pedestrian safety.

2. The program must be designed to:

(a) Aid bicyclists in improving their riding skills;

(b) Inform bicyclists and pedestrians of applicable traffic laws and encourage observance of those laws; and

(c) Promote bicycle and pedestrian safety.

3. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484A.025 and includes an electric bicycle as defined in NRS ~~[482.0287.]~~ *484B.017.*

Sec. 17. 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. 18. NRS 408.579 is hereby repealed.

TEXT OF REPEALED SECTION

408.579 Electric bicycles authorized for use on trails or walkways intended for use by bicycles. Electric bicycles, as defined in NRS 482.0287, must be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using federal funding obtained pursuant to 23 U.S.C. § 217.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 458 to Senate Bill No. 383 clarifies three provisions. First, only new electric bikes sold on or after October 1, 2021, must comply with the Consumer Product Safety Commission standards. Second, the amendment describes circumstances when the electric motor must disengage or cease to function. Third, that "trails" as defined in the bill may include occasional hydrological controls, such as bridges or pervious patching materials.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 269.

SUMMARY—Revises provisions relating to the purchasing of prescription drugs. (BDR 38-443)

AN ACT relating to prescription drugs; ~~[authorizing for-profit health benefit plans to participate in certain arrangements for the purchasing of prescription drugs;]~~ authorizing ~~[the Department of Health and Human Services]~~ public agencies of this State to enter into agreements with certain entities in other jurisdictions for the collaborative purchasing of prescription drugs; exempting a contract between the Department of Health and Human Services and a pharmacy benefit manager or health maintenance organization entered into pursuant to such an agreement from certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[requires the Department of Health and Human Services to develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program. (NRS 422.4025) Existing law additionally authorizes nonprofit health plans and certain public health plans to use the list of preferred prescription drugs developed by the Department as their formulary and obtain prescription drugs through the purchasing agreements negotiated by the Department. (NRS 287.012, 287.0433, 422.4025, 687B.407) Existing law authorizes the Department to enter into a contract with a pharmacy benefit manager or health maintenance~~

~~organization to manage, direct and coordinate payments and rebates for prescription drugs or other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053)]~~ authorizes a public agency of this State to enter into a joint or cooperative agreement with a public agency of this State or another state or the Federal Government to exercise any power, privilege or authority of the public agency. (NRS 277.110) Existing law additionally authorizes state agencies to cooperate with other public entities within or outside of this State to purchase prescription drugs, pharmaceutical services, or medical supplies and related services. (NRS 333.435) Sections 3.3 and 3.6 of this bill additionally authorize public agencies in this State to enter into agreements for the purchase of prescription drugs, pharmaceutical services, or medical supplies and related services with private entities within or outside of this State. Sections 1 and 2 of this bill ~~[additionally]~~ authorize the Department of Health and Human Services to enter into ~~[a contract with one or more public or private entities from the District of Columbia and other states and territories of the United States for the collaborative purchasing of prescription drugs. Sections 1 and 4 of this bill authorize for-profit health plans in this State to use the list of preferred prescription drugs developed by the Department as their formulary and participate in agreements negotiated by the Department or a pharmacy benefit manager, health maintenance organization or entity in another jurisdiction for the purchasing of prescription drugs.]~~ such an agreement for the purchase of prescription drugs for Medicaid or the Children's Health Insurance Program.

Existing law imposes certain requirements concerning transparency, rebates and auditing on any contract between the Department and a pharmacy benefit manager or health maintenance organization to manage, direct and coordinate payments and rebates for prescription drugs or other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053, 422.4056) Sections 2 and 3 of this bill exempt a contract between the Department and a pharmacy benefit manager or health maintenance organization entered into pursuant to an agreement for the collaborative purchasing of prescription drugs from those requirements.

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

Section 1. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans

described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager , ~~[or]~~ health maintenance organization ~~[,]~~ *or one or more public or private entities in* *this State, the District of Columbia or other* ~~*[jurisdictions]*~~ *states or territories of the United States,* as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation, any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of

obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager , ~~[and]~~ contracts with a health maintenance organization ~~[,]~~ *and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States;* and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 2. NRS 422.4053 is hereby amended to read as follows:

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children's Health Insurance Program who receive coverage through a Medicaid managed care program.

(c) One or more public or private entities from this State, the District of Columbia ~~[and]~~ or other states ~~[and]~~ or territories of the United States for the collaborative purchasing of prescription drugs ~~[.]~~ in accordance with subsection 3 of NRS 277.110. If such a contract requires the Department to enter into a contract with a pharmacy benefit manager or health maintenance organization for the provision of any of the services described in subsection 1, the contract is not subject to the provisions of subsection 3, paragraph (b) of subsection 4 or NRS 422.4056.

3. ~~[A]~~ *Except as otherwise provided in paragraph (c) of subsection 2, a* contract entered into pursuant to *paragraph (a) or (b) of* subsection 2 must:

(a) Include the provisions required by NRS 422.4056; and

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract.

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of

prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must , *except as otherwise provided in paragraph (c) of subsection 2*, require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

Sec. 3. NRS 422.4056 is hereby amended to read as follows:

422.4056 1. ~~[Any]~~ *Except as otherwise provided in paragraph (c) of subsection 2 of NRS 422.4053, any* contract between the Department and a pharmacy benefit manager or health maintenance organization entered into pursuant to NRS 422.4053 must require the pharmacy benefit manager or health maintenance organization, as applicable, to:

(a) Submit to and cooperate with an annual audit by the Department to evaluate the compliance of the pharmacy benefit manager or health maintenance organization with the agreement and generally accepted accounting and business practices. The audit must analyze all claims processed by the pharmacy benefit manager or health maintenance organization pursuant to the agreement.

(b) Obtain from an independent accountant, at the expense of the pharmacy benefit manager or health maintenance organization, as applicable, an annual audit of internal controls to ensure the integrity of financial transactions and claims processing.

2. The Department shall post the results of any audit conducted pursuant to paragraph (a) of subsection 1 on an Internet website maintained by the Department.

Sec. 3.3. NRS 277.110 is hereby amended to read as follows:

277.110 Except as limited by NRS 280.105 and 711.175:

1. Any power, privilege or authority exercised or capable of exercise by a public agency of this State, including, but not limited to, law enforcement, may be exercised jointly with any other public agency of this State, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise. Any agency of this State when acting jointly with any other public agency may exercise all the powers, privileges and authority conferred by NRS 277.080 to 277.180, inclusive, upon a public agency.

2. Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of NRS 277.080 to 277.170, inclusive.

3. *A public agency may enter into an agreement with any other public agency or private entity in this State, the District of Columbia or any other state or territory of the United States or any agency of the United States for*

the purchase of prescription drugs, pharmaceutical services, or medical supplies and related services to the extent that the laws applicable to each participating agency and entity permit such an agreement.

4. If it is reasonably foreseeable that a participating public agency will be required to:

(a) Expend more than $25,000 to carry out ~~[such]~~ an agreement ~~[,]~~ *described in this section,* the agreement:

(1) Must be in writing.

(2) Becomes effective only upon ratification by appropriate ordinance, resolution or otherwise pursuant to law on the part of the governing bodies of the participating public agencies.

(b) Expend $25,000 or less to carry out such an agreement, each participating public agency shall maintain written documentation of the terms of the agreement for at least 3 years after the date on which the agreement was entered into.

Sec. 3.6. NRS 333.435 is hereby amended to read as follows:

333.435 1. Except as otherwise provided in subsection 2, a using agency shall purchase prescription drugs, pharmaceutical services, or medical supplies and related services, or any combination thereof, only through the Purchasing Division.

2. A using agency may, on its own behalf or in cooperation with one or more other using agencies or *, in accordance with the provisions of subsection 3 of NRS 277.110,* other governmental entities *or private entities* within or outside this State, purchase prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division if the using agency or using agencies or other governmental entities, as applicable, can obtain the best value for prescription drugs, pharmaceutical services, or medical supplies and related services from the other entity and the Purchasing Division is unable to match or exceed that best value in a timely manner.

3. If a using agency purchases prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division pursuant to subsection 2, the using agency shall report to the Purchasing Division, within 10 days after the initial purchase:

(a) The purchase price for the prescription drugs, pharmaceutical services, or medical supplies and related services; and

(b) The name, address and telephone number of the entity that sold the using agency the prescription drugs, pharmaceutical services, or medical supplies and related services.

Sec. 4. ~~[NRS 687B.407 is hereby amended to read as follows:~~

~~687B.407 1. A [nonprofit] health benefit plan may use the list of preferred prescription drugs developed by the Department of Health and Human Services pursuant to subsection 1 of NRS 422.4025 as its formulary and obtain prescription drugs through the purchasing agreements negotiated~~

~~by the Department pursuant to that section by notifying the Department in the form prescribed by the Department.~~

~~2. As used in this section "health benefit plan" has the meaning ascribed to it in NRS 422.4021.]~~ (Deleted by amendment.)

Sec. 5. 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. 6. This act becomes effective upon passage and approval.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 269 to Senate Bill No. 396 authorizes DHHS to enter into certain agreements for the purchase of prescription drugs for Medicaid or the Children's Health Insurance Program with certain entities in Nevada, the District of Columbia or any other state or U.S. territory. It provides that a public agency may enter into an agreement with any other public agency or private entity in this State, the District of Columbia, any other state or territory or any agency of the United States for the purchase of prescription drugs, pharmaceutical services or medical supplies and related services to the extent that the laws applicable to each participating agency and entity permit such an agreement. It deletes provisions authorizing certain health-benefit plans to use Medicaid's list of preferred prescription drugs.

This came from the Interim Committee on Managing High-cost Pharmaceuticals. This bill intends to build on work done in prior Sessions to create purchasing coalitions where there would be additional leverage to allow for negotiation of better prices. There were some barriers from different partnerships existing in the law, and this seeks to remove those barriers to make the opportunity for those coalitions more realistic and practical. I urge everyone's support of this amendment. It may not be the perfect solution or the only solution, but it is a solution.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 281.

SUMMARY—Requires the reporting of certain information relating to pretrial detention. (BDR 14-378)

AN ACT relating to criminal procedure; requiring justice courts, municipal courts and district courts to maintain certain records relating to pretrial detention and submit such records to the Administrative Office of the Courts; requiring the Court Administrator to submit a quarterly report concerning pretrial detention to the Executive Director of the Department of Sentencing Policy and to the Legislature or the Advisory Commission on the Administration of Justice, as applicable, and to make the report available on the Internet; requiring county and city jails to notify the court having jurisdiction over a defendant if the defendant is held for more than 7 days after bail for the defendant is set at $2,500 or less; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution and existing law require all persons arrested for offenses other than murder of the first degree to be admitted to bail unless

certain circumstances apply. (Nev. Const. Art. 1, § 7; NRS 178.484) Existing law also authorizes a court to release a person without bail under certain circumstances. (NRS 178.4851) Section 1 of this bill requires justice courts, municipal courts and district courts to maintain certain records concerning pretrial detention of defendants in criminal cases, including, where applicable: (1) the offense with which the defendant was charged; (2) whether the defendant was admitted to bail, denied admission to bail or released without bail; (3) the amount of bail set and the conditions imposed for release without bail; (4) the date on which the defendant was taken into custody; (5) the date on which the court set the amount of bail for the defendant or denied the defendant admission to bail; (6) the date on which the defendant was released from custody by admission to bail or release without bail; (7) whether the defendant was given a hearing to determine admission to bail or release without bail; (8) whether the defendant failed to appear, was arrested for a violation of a condition imposed for release without bail or was arrested for a new offense while released on bail; (9) the sentence imposed on the defendant; (10) the date on which the defendant was taken into custody to serve a sentence; and (11) the date on which the defendant was released from custody. Section 1 also requires justice courts, municipal courts and district courts to submit such records to the Administrative Office of the Courts at least quarterly.

Section 2 of this bill requires the Court Administrator to: (1) submit a quarterly report concerning pretrial detention of defendants in criminal cases to the Executive Director of the Department of Sentencing Policy and to the Legislature or the Advisory Commission on the Administration of Justice, as applicable, containing statistics compiled from information received pursuant to section 1; and (2) make the report available on the Internet website of the Court Administrator.

Sections 3 and 4 of this bill require county and city jails to notify the court having jurisdiction over a defendant in a criminal case if the defendant is in custody for more than 7 days after the amount of bail is set and the amount of bail is set at $2,500 or less.

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

Section 1. 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, 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.

7. Each justice court, municipal court and district court shall maintain a record for each defendant containing, where applicable, the following information:

(a) The offense with which the defendant was charged;

(b) Whether the defendant was admitted to bail, denied admission to bail or released without bail;

(c) The amount at which bail was set or the conditions imposed upon the defendant for release without bail;

(d) The date on which the defendant was taken into custody;

(e) The date on which the court set the amount of bail for the defendant or denied the defendant admission to bail;

(f) The date on which the defendant was released from custody before trial by admission to bail or release without bail;

(g) A description of the procedures by which the defendant was admitted to bail, released without bail or denied admission to bail, including whether the defendant was given a hearing;

(h) Whether the defendant failed to appear, was arrested for a violation of a condition imposed for release without bail or was arrested for a new offense while released on bail, including the condition which the defendant violated or the new offense for which the defendant was arrested, as applicable;

(i) The sentence imposed on the defendant;

(j) The date on which the defendant was taken into custody to serve a sentence; and

(k) The date on which the defendant was released from custody.

8. At least quarterly, each justice court, municipal court and district court shall submit the records maintained pursuant to subsection 7 to the Administrative Office of the Courts.

Sec. 2. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures . ~~[;]~~

2. Examine the condition of the dockets of the courts and determine the need for assistance by any court . ~~[;]~~

3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance . ~~[;]~~

4. Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto . ~~[;]~~

5. Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto . ~~[;]~~

6. Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System . ~~[;]~~

7. Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith . ~~[;]~~

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts . ~~[;]~~

9. Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System . ~~[;]~~

10. On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created by NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate . ~~[; and]~~

11. *Quarterly, submit a report concerning pretrial detention to the Executive Director of the Department of Sentencing Policy and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Advisory Commission on the Administration of Justice, if the Legislature is not in session, and make the report available to the public on the Internet website maintained by the Court Administrator. The report must compile statistics from the information required to be maintained by justice courts, municipal courts and district courts pursuant to NRS 178.502 and contain, without limitation:*

(a) The total number of defendants in the custody of county and city jails awaiting trial and the total number of defendants in the custody of county and city jails serving a sentence;

(b) The number of defendants who were admitted to bail, denied admission to bail, released without bail with conditions and released without bail without conditions;

(c) The number of defendants who were held in custody before trial for a period of less than 24 hours, 24 hours or more but less than 72 hours, 72 hours or more but less than 1 week, 1 week or more but less than 2 weeks, 2 weeks or more but less than 1 month and more than 1 month;

(d) The average length of time for which defendants were held in custody before trial;

(e) The number of defendants who were given a hearing to determine whether the defendant would be admitted to bail, denied admission to bail or released without bail; and

(f) The number of defendants who were admitted to bail or released without bail and who failed to appear, were arrested for a violation of a condition imposed for release without bail or were arrested for a new offense while released on bail. The number must be disaggregated by the conditions which defendants violated and the charges of the new offenses for which defendants were arrested; and

12. Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 3. NRS 211.030 is hereby amended to read as follows:

211.030 1. The sheriff is the custodian of the jail in his or her county, and of the prisoners therein, and shall keep the jail personally, or by his or her deputy, or by a jailer or jailers appointed by the sheriff for that purpose, for whose acts the sheriff is responsible.

2. All jailers employed or appointed by the sheriff are entitled to receive a fair and adequate monthly compensation, to be paid out of the county treasury, for their services.

3. *If a prisoner is held in custody for more than 7 days after the amount of bail is set and the amount of bail is set at $2,500 or less, the sheriff must notify the court having jurisdiction over the prisoner.*

4. Not later than 48 hours after the death of a prisoner in the county jail or any branch county jail in his or her county, the sheriff shall report the death to the board of county commissioners. The report must include, without limitation, basic demographics.

~~[4.]~~ *5.* The sheriff shall submit to the board a biannual report that contains aggregated data similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the deaths of prisoners in the county jail and any branch county jail in his or her county during the immediately preceding 6 months and the circumstances surrounding any such deaths.

Sec. 4. NRS 211.117 is hereby amended to read as follows:

211.117 1. *If a prisoner is held in custody for more than 7 days after the amount of bail is set and the amount of bail is set at $2,500 or less, the person appointed to administer the city jail must notify the court having jurisdiction over the prisoner.*

2. Not later than 48 hours after the death of a prisoner in a city jail, the person appointed to administer the city jail shall report the death to the governing body of the city. The report must include, without limitation, basic demographics.

~~[2.]~~ *3.* The person appointed to administer the city jail shall submit to the governing body of the city a biannual report that contains aggregated data

similar to the information submitted pursuant to the Death in Custody Reporting Act of 2013, Public Law 113-242, concerning the deaths of prisoners in the city jail during the immediately preceding 6 months and the circumstances surrounding any such deaths.

Sec. 5. 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. 6. 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.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 281 to Senate Bill No. 401 adds Nevada's Department of Sentencing Policy to the distribution list for the pretrial detention report required by the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 293.

SUMMARY—Revises provisions relating to wildlife. (BDR 45-1089)

AN ACT relating to wildlife; ~~[revising provisions governing the Wildlife Trust Fund;]~~ authorizing a tag to be in an electronic format under certain circumstances; revising the requirements for an annual resident specialty combination hunting and fishing license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the Department of Wildlife to establish the Wildlife Trust Fund and authorizes the Department to accept gifts, donations, bequests or devises from any private source for deposit in the Wildlife Trust Fund. (NRS 501.3585) Existing law also authorizes a state agency to accept any gift or grant of property or services only if, with certain exceptions, the acceptance of the gift or grant is included in an act of the Legislature or approved by the Governor or the Interim Finance Committee. (NRS 353.335) Sections 1 and 7 of this bill exempt private money accepted by the Department for deposit in the Fund from the requirements of existing law for the acceptance of gifts by a state agency. Section 1 also requires the Director of the Department or the Director's designee to submit an annual report to the Interim Finance Committee that sets forth the private money accepted into the Fund and the~~

~~investment and expenditure of the money in the Fund from the previous fiscal year.]~~

Existing law requires the Department of Wildlife to designate the form of a tag for certain species of wildlife. (NRS 502.160) Existing law also requires a tag to be attached to a species of wildlife before the holder of a tag takes possession of the species. (NRS 502.150) Section 4 of this bill provides that the Department may designate a paper or electronic form for a tag. Section 3 of this bill provides that an electronic tag must be validated before the holder of the tag transports the species of wildlife. Sections 2 and 5 of this bill make conforming changes relating to electronic tags and validating electronic tags.

Existing law requires the Department to issue an annual resident specialty combination hunting and fishing license to any person 65 years of age or older who has continuously resided in this State for a period of 5 years immediately preceding the date of the application for the license. (NRS 502.240) Section 6 of this bill removes the requirement that such a person have continuously resided in the State for the 5 years immediately preceding the date of the application.

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

Section 1. ~~[NRS 501.3585 is hereby amended to read as follows:~~

~~501.3585 1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest , [or] devise *or grant* from any private source for deposit in the Wildlife Trust Fund. Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund. *The provisions of NRS 353.335 do not apply to any gift, donation, bequest, devise or grant from any private source accepted pursuant to this subsection.*~~

~~2. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.~~

~~3. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.~~

~~4. The Director or the Director's designee shall [annually post] *on or before September 30 of each year:*~~

~~*(a) Submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee setting forth for the previous fiscal year:*~~

~~*(1) The amount of gifts, donations, bequests, devises and grants from any private source that were deposited in the Wildlife Trust Fund; and*~~

~~*(2) The investment and expenditure of money in the Wildlife Trust Fund.*~~

~~*(b) Post the report submitted pursuant to paragraph (a) on the Internet website maintained by the Department.* [a statement setting forth the investment and expenditure of the money in the Wildlife Trust Fund.]~~

~~5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Director of the Office of Finance for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.~~

~~6. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.]~~ (Deleted by amendment.)

Sec. 2. NRS 502.147 is hereby amended to read as follows:

502.147 1. The Department shall make available restricted nonresident deer tags in an amount not to exceed the amount set forth in this section. If the number of persons who apply for restricted nonresident deer tags is greater than the number of tags to be issued, the Department shall conduct a drawing to determine the persons to whom to issue the tags.

2. The number of restricted nonresident deer tags must:

(a) Be subtracted from the quota of rifle deer tags for nonresidents; and

(b) Not exceed 16 percent of the deer tags issued to nonresidents during the previous year or 400 tags, whichever is greater.

3. The number of restricted nonresident deer tags issued for any management area or unit must not exceed 37.5 percent, rounded to the nearest whole number, of the rifle deer tags issued to nonresidents during the previous year for that management area or unit.

4. The Department shall ~~[mail]~~ *provide* the tags to the successful applicants ~~[.]~~ *by mail or electronically, if the applicant elects to receive the tag in an electronic form.*

Sec. 3. NRS 502.150 is hereby amended to read as follows:

502.150 1. Whenever tags are required for any species of wildlife, it is unlawful to have any of that species in possession without the *correct* tag . ~~[attached thereto and such possession]~~ *Before transporting any species of wildlife, or parts thereof, for which a tag is required, the holder of:*

(a) A paper tag must attach the tag to the animal; or

(b) An electronic tag must validate the tag in accordance with the regulations adopted by the Commission pursuant to NRS 502.160.

➥ *Possession of any species of wildlife, or parts thereof, for which a tag is required* without an attached *or validated* tag , *as applicable,* is prima facie evidence that the game is illegally taken and possessed.

2. It is unlawful to remove any tag from any wildlife for reuse or to be in possession of excess tags or used tags.

3. Whenever tags are required for any species of fur-bearing mammal, possession of a pelt of that species without the tag attached thereto *or validated, as applicable,* is prima facie evidence that such pelt is illegally taken and possessed.

Sec. 4. NRS 502.160 is hereby amended to read as follows:

502.160 1. The Department shall designate the ~~[form]~~ *electronic and paper forms* of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom it is issued. Each tag must show the game for which it may be used, the year and, whenever necessary, the management area in which it may be used.

2. The Commission may adopt any regulations necessary relative to the manner of qualifying and applying for, using, completing, attaching, filling out, punching, inspecting, validating or reporting such tags. It is unlawful for any person to fail to abide by any such regulation.

Sec. 5. NRS 502.215 is hereby amended to read as follows:

502.215 1. If any person who possesses a tag to hunt a big game mammal kills an animal that is believed to be diseased and unfit for human consumption, the person shall place his or her tag on the carcass ~~[in the manner provided by law or regulation]~~ *or validate the tag in accordance with NRS 502.150 and any regulations adopted by the Commission pursuant to NRS 502.160* and provide the whole carcass for inspection by an authorized representative of the Department or, at the person's own expense, by a veterinarian licensed to practice in Nevada. Except as otherwise provided in this subsection, the holder of the tag who provides the carcass for such an inspection is entitled, if the carcass is diseased and unfit for human consumption, to receive at no charge another tag as a replacement for the ~~[one the holder placed on the carcass pursuant to this subsection.]~~ *carcass determined to be diseased and unfit for consumption.* The holder shall choose whether the replacement tag is to be issued for the current hunting season or for the next similar season in the following year. If the holder chooses to retain the head, antlers, carcass, horns or hide of the animal, and the authorized representative of the Department approves the retention, the holder shall be deemed to waive any claim the holder may have had for the issuance of a replacement tag.

2. A replacement tag issued pursuant to subsection 1 for the current hunting season is valid for:

(a) The entire remaining portion of the season for which the original tag was issued; or

(b) If the original tag was issued for a period of a split season, the entire remaining portion of the period for which the original tag was issued or the entire following period, if any.

3. A replacement tag issued pursuant to subsection 1 must be:

(a) Issued for the same unit for which the original tag was issued.

(b) Used in the same manner as or pursuant to the same conditions or restrictions applicable to the original tag.

4. The Commission shall adopt by regulation:

(a) A procedure for the inspection and verification of the condition of such a carcass;

(b) Requirements for the disposal of such a carcass if it is determined to be diseased and unfit for human consumption;

(c) Requirements for the disposition of the hide and the antlers or horns of the animal; and

(d) Except as otherwise provided in subsection 2, a procedure for the issuance of a replacement tag pursuant to this section.

5. For the purposes of this section, "split season" means a season which is divided into two or more periods.

Sec. 6. NRS 502.240 is hereby amended to read as follows:

502.240 1. The Department shall issue:

(a) Resident licenses and limited permits pursuant to this section to any person who is a resident of this State pursuant to NRS 502.015.

(b) Nonresident licenses and limited permits pursuant to this section to any person who does not qualify as a resident of this State pursuant to NRS 502.015.

2. Except as otherwise provided in NRS 504.390, the Department shall issue a license or permit to any person who is 18 years or older upon the payment of the following fee for:

A resident annual fishing license $40
A resident 1-day permit to fish..... 9
Each consecutive day added to a resident 1-day permit to fish..... 3
A resident annual hunting license 38
A resident annual combination hunting and fishing license..... 75
A resident trapping license..... 40
A resident fur dealer's license $63
A resident master guide's license 750
A resident subguide's license 125
A nonresident annual fishing license 80
A nonresident annual license to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mojave, Lake Tahoe and Topaz Lake..... 30
A nonresident 1-day permit to fish..... 18
Each consecutive day added to a nonresident 1-day permit to fish 7
A nonresident annual combination hunting and fishing license..... 155
A nonresident trapping license..... 188
A nonresident fur dealer's license 125
A nonresident master guide's license 1,500
A nonresident subguide's license 250

A nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds 23
Each consecutive day added to a nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds 8

3. The Department shall issue a license to any person who is at least 12 years of age but less than 18 years of age upon payment of the following fee for:

A resident youth combination hunting and fishing license $15
A resident youth trapping license 15
A nonresident youth combination hunting and fishing license 15

4. Except as otherwise provided in subsection 5, the Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of $15 to:

(a) Any person who has been considered to be a resident of this State pursuant to NRS 502.015 ~~[continuously for the 5 years]~~ immediately preceding the date of application for the license and is 65 years of age or older.

(b) Any person who is a resident of this State pursuant to NRS 502.015 and who has a severe physical disability.

(c) Any person who is a resident of this State pursuant to NRS 502.015 and who has incurred a service-connected disability specified in NRS 502.072.

5. The Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of $10 to any resident Native American of this State pursuant to NRS 502.280.

6. The Department shall issue to any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife $15
For a commercial or private shooting preserve 125
For a commercial license for the possession of live wildlife 500
For a live bait dealer's permit 44
For a competitive field trials permit 31
For a permit to train dogs or falcons 15
For a 1-year falconry license 38
For a 3-year falconry license 94
For an importation permit 15
For an import eligibility permit 31
For an exportation permit 15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.

7. As used in this section, "severe physical disability" means a physical disability which materially limits a person's ability to engage in gainful employment.

Sec. 7. ~~[NRS 353.335 is hereby amended to read as follows:~~

~~"353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.~~

~~2. If:~~

~~(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.~~

~~(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.~~

~~(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.~~

~~3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.~~

~~4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:~~

~~(a) The need for the facility or service to be provided or improved;~~

~~(b) Any present or future commitment required of the State;~~

~~(c) The extent of the program proposed; and~~

~~(d) The condition of the national economy, and any related fiscal or monetary policies.~~

~~5. A state agency may accept:~~

~~(a) Gifts, including grants from nongovernmental sources, not exceeding $20,000 each in value; and~~

~~(b) Governmental grants not exceeding $150,000 each in value,~~

~~" if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor~~

~~or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.~~

~~6. This section does not apply to:~~

~~(a) The Nevada System of Higher Education;~~

~~(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490; [or]~~

~~(c) Artifacts donated to the Department of Tourism and Cultural Affairs [.] ; or~~

~~*(d) Any gifts, donations, bequests, devises or grants accepted for deposit in the Wildlife Trust Fund by the Department of Wildlife pursuant to NRS 501.3585.]*~~ (Deleted by amendment.)

Sec. 8. ~~[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.]~~ (Deleted by amendment.)

Sec. 9. 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. 10. This act becomes effective on July 1, 2021.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 293 to Senate Bill No. 406 deletes the two sections of the bill related to the Wildlife Trust Fund to maintain the current level of legislative oversight of private money accepted by the Department of Wildlife for deposit in the Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 27, 70, 164, 205, 230, 236, 366, 401 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 1:18 p.m.

SENATE IN SESSION

At 1:22 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bill Nos. 75, 122, 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 76, 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Judiciary, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 56.

Bill read second time.

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

Amendment No. 148.

SUMMARY—Revises provisions governing insurance coverage of behavioral health services. (BDR 57-124)

AN ACT relating to insurance; imposing certain requirements governing coverage of behavioral health services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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) Existing law imposes certain requirements concerning coverage of telehealth services by insurers and certain other third-party payers. Those requirements: (1) include a requirement that an insurer or other third-party payer must cover services provided through telehealth to the same extent as if provided in person or by other means; and (2) apply to health coverage, including Medicaid and health plans for state and local government employees, and workers' compensation coverage. (NRS 287.010, 287.04335, 422.2721, 616C.730, 689A.0463, 689B.0369, 689C.195, 695A.265, 695B.1904, 695C.1708, 695F.090, 695G.162) ~~[This]~~ Sections 1-5.3 and 6.6 of this bill ~~[: (1) extends]~~ extend those requirements , as they apply to health insurers other than Medicaid, to also apply to behavioral health services provided by standard telephone . ~~[; and (2) requires coverage of]~~ Sections 1-5.3 and 6.6 require such health insurers to cover behavioral health services provided by ~~[telehealth]~~ standard telephone

in the same amount as if those services were provided in person or by other means.

Section 8 of this bill requires the Director of the Department of Health and Human Services to: (1) apply for any waiver of federal law necessary to receive federal financial participation to include in Medicaid coverage for behavioral health services provided by standard telephone; and (2) include such coverage in Medicaid if a waiver is obtained or federal financial participation is otherwise available. Sections 5.3, 5.6, 6.3 and 6.6 of this bill require Medicaid managed care plans to provide such coverage if federal financial participation is obtained pursuant to section 8.

Additionally, sections 1-5, 6, 7 and 8 of this bill ~~[prohibits]~~ prohibit a ~~[third party]~~ health insurer, including Medicaid, from issuing coverage of behavioral health services provided in a person's home that depends on the geographic location of the home.

Section 6.3 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of authority of a health maintenance organization that fails to comply with the requirement in section 5.3 to provide coverage for behavioral health services provided by standard telephone to the same extent and in the same amount as if those services were provided in person or by other means. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of this bill. (NRS 680A.200)

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

Section 1. NRS 689A.0463 is hereby amended to read as follows:

689A.0463 1. A policy of health insurance must include coverage for *:*

(a) Behavioral health services provided to an insured through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and

(b) Other services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. An insurer 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 *behavioral health services through telehealth or by standard telephone or other* services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to ~~[demonstrate]~~ *:*

(1) Demonstrate that it is necessary to provide *behavioral health services to an insured through telehealth or by standard telephone or other* services to an insured through telehealth *as a condition to providing the coverage described in subsection 1;* or ~~[receive]~~

(2) Receive any additional type of certification or license to provide *behavioral health services through telehealth or by standard telephone or*

other 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]~~ *:*

(1) The distant site from which a provider of health care provides *behavioral health services through telehealth or by standard telephone or other* services through telehealth *;* or ~~[the]~~

(2) The originating site at which an insured receives *behavioral health services through telehealth or by standard telephone or other* services through telehealth; or

(d) Require *covered behavioral health services to be provided through telehealth or by standard telephone or require other* covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A policy of health insurance must not require an insured to obtain prior authorization for any *behavioral health service provided through telehealth or by standard telephone or any other* service provided through telehealth that is not required for the service when provided in person. A policy of health insurance may require prior authorization for a *behavioral health service provided through telehealth or by standard telephone or another* service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a policy of health insurance includes coverage for behavioral health services provided in the home of an insured, such coverage must not depend on the geographic location at which the home is located.*

5. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth *or by standard telephone* 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 insurer is not otherwise required by law to do so.

~~[5.]~~ *6.* A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021,* has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[6.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 2. NRS 689B.0369 is hereby amended to read as follows:

689B.0369 1. A policy of group or blanket health insurance must include coverage for *:*

(a) Behavioral health services provided to an insured through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and

(b) Other services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. An insurer 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 *behavioral health services through telehealth or by standard telephone or other* services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to ~~[demonstrate]~~ *:*

(1) Demonstrate that it is necessary to provide *behavioral health services to an insured through telehealth or by standard telephone or other* services to an insured through telehealth *as a condition to providing the coverage described in subsection 1;* or ~~[receive]~~

(2) Receive any additional type of certification or license to provide *behavioral health services through telehealth or by standard telephone or other* 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]~~ *:*

(1) The distant site from which a provider of health care provides *behavioral health services through telehealth or by standard telephone or other* services through telehealth *;* or ~~[the]~~

(2) The originating site at which an insured receives *behavioral health services through telehealth or by standard telephone or other* services through telehealth; or

(d) Require *covered behavioral health services to be provided through telehealth or by standard telephone or require other* covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A policy of group or blanket health insurance must not require an insured to obtain prior authorization for any *behavioral health service provided through telehealth or by standard telephone or any other* service provided through telehealth that is not required for that service when provided in person. A policy of group or blanket health insurance may require prior authorization for a *behavioral health service provided through telehealth or by standard telephone or another* service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a policy of group or blanket health insurance includes coverage for behavioral health services provided in the home of an insured, such coverage must not depend on the geographic location at which the home is located.*

5. The provisions of this section do not require an insurer to:

(a) Ensure that covered services are available to an insured through telehealth *or by standard telephone* 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 insurer is not otherwise required by law to do so.

~~[5.]~~ *6.* A policy of group or blanket health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021,* has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.

~~[6.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 3. NRS 689C.195 is hereby amended to read as follows:

689C.195 1. A health benefit plan must include coverage for *:*

(a) Behavioral health services provided to an insured through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and

(b) Other services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A carrier 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 *behavioral health services through telehealth or by standard telephone or other* services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to ~~[demonstrate]~~ *:*

(1) Demonstrate that it is necessary to provide *behavioral health services to an insured through telehealth or by standard telephone or other* services to an insured through telehealth *as a condition to providing the coverage described in subsection 1;* or ~~[receive]~~

(2) Receive any additional type of certification or license to provide *behavioral health services through telehealth or by standard telephone or other* 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]~~ *:*

(1) The distant site from which a provider of health care provides *behavioral health services through telehealth or by standard telephone or other* services through telehealth *;* or ~~[the]~~

(2) The originating site at which an insured receives *behavioral health services through telehealth or by standard telephone or other* services through telehealth; or

(d) Require *covered behavioral health services to be provided through telehealth or by standard telephone or require other* covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health benefit plan must not require an insured to obtain prior authorization for any *behavioral health service provided through telehealth or by standard telephone or any other* service provided through telehealth that is not required for the service when provided in person. A health benefit plan may require prior authorization for a *behavioral health service provided through telehealth or by standard telephone or another* service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a health benefit plan includes coverage for behavioral health services provided in the home of an insured, such coverage must not depend on the geographic location at which the home is located.*

5. The provisions of this section do not require a carrier to:

(a) Ensure that covered services are available to an insured through telehealth *or by standard telephone* 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 carrier is not otherwise required by law to do so.

~~[5.]~~ *6.* A plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021,* 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.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 4. NRS 695A.265 is hereby amended to read as follows:

695A.265 1. A benefit contract must include coverage for *:*

(a) Behavioral health services provided to an insured through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and

(b) Other services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A society 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 *behavioral health services through telehealth or by standard telephone or other* services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to ~~[demonstrate]~~ *:*

(1) Demonstrate that it is necessary to provide *behavioral health services to an insured through telehealth or by standard telephone or other* services to an insured through telehealth *as a condition to providing the coverage described in subsection 1;* or ~~[receive]~~

(2) Receive any additional type of certification or license to provide *behavioral health services through telehealth or by standard telephone or other* 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]~~ *:*

(1) The distant site from which a provider of health care provides *behavioral health services through telehealth or by standard telephone or other* services through telehealth *;* or ~~[the]~~

(2) The originating site at which an insured receives *behavioral health services through telehealth or by standard telephone or other* services through telehealth; or

(d) Require *covered behavioral health services to be provided through telehealth or by standard telephone or require other* covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A benefit contract must not require an insured to obtain prior authorization for any *behavioral health service provided through telehealth or by standard telephone or any other* service provided through telehealth that is not required for the service when provided in person. A benefit contract may require prior authorization for a *behavioral health service provided through telehealth or by standard telephone or another* service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a benefit contract includes coverage for behavioral health services provided in the home of an insured, such coverage must not depend on the geographic location at which the home is located.*

5. The provisions of this section do not require a society to:

(a) Ensure that covered services are available to an insured through telehealth *or by standard telephone* 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 society is not otherwise required by law to do so.

~~[5.]~~ *6.* A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021*, has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[6.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 5. NRS 695B.1904 is hereby amended to read as follows:

695B.1904 1. A contract for hospital, medical or dental services subject to the provisions of this chapter must include *coverage for:*

(a) Behavioral health services provided to an insured through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and

(b) Other services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A medical services corporation that issues contracts for hospital, medical or dental services 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 *behavioral health services through telehealth or by standard telephone or other* services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to ~~[demonstrate]~~ *:*

(1) Demonstrate that it is necessary to provide *behavioral health services to an insured through telehealth or by standard telephone or other* services to an insured through telehealth *as a condition to providing the coverage described in subsection 1;* or ~~[receive]~~

(2) Receive any additional type of certification or license to provide *behavioral health services through telehealth or by standard telephone or other* 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]~~ *:*

(1) The distant site from which a provider of health care provides *behavioral health services through telehealth or by standard telephone or other* services through telehealth *;* or ~~[the]~~

(2) The originating site at which an insured receives *behavioral health services through telehealth or by standard telephone or other* services through telehealth; or

(d) Require *covered behavioral health services to be provided through telehealth or by standard telephone or require other* covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A contract for hospital, medical or dental services must not require an insured to obtain prior authorization for any *behavioral health service provided through telehealth or by standard telephone or any other* service provided through telehealth that is not required for the service when provided in person. A contract for hospital, medical or dental services may require prior authorization for a *behavioral health service provided through telehealth or by standard telephone or another* service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a contract for hospital, medical or dental services includes coverage for behavioral health services provided in the home of an insured, such coverage must not depend on the geographic location at which the home is located.*

5. The provisions of this section do not require a medical services corporation that issues contracts for hospital, medical or dental services to:

(a) Ensure that covered services are available to an insured through telehealth *or by standard telephone* 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 medical services corporation is not otherwise required by law to do so.

~~[5.]~~ *6.* A contract for hospital, medical or dental services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021,* has the legal effect of including the coverage required by this section, and any provision of the contract or the renewal which is in conflict with this section is void.

~~[6.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 5.3. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a health care plan of a health maintenance organization must include coverage for behavioral health services provided to an enrollee by standard telephone to the same extent and in the same amount as though provided in person, through telehealth or by other means.

2. Coverage of behavioral health services provided pursuant to this section is subject to the provisions of NRS 695C.1708 to the same extent as if those behavioral health services were provided by telehealth.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, 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.

4. A health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services is only required to comply with the provisions of this section with regard to those health care services to the extent that federal financial participation to include such coverage in the State Plan for Medicaid is available pursuant to subsection 2 of NRS 422.2721.

5. As used in this section:

(a) "Behavioral health services" has the meaning ascribed to it in NRS 422.2721.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 5.6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to

recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to 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. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 *and, to the extent provided in that section, section 5.3 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 6. 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 ~~[:~~

~~*(a) Behavioral health services provided to an enrollee through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and*~~

~~*(b) Other]*~~ 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 ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate ~~[:~~

~~*(1) Demonstrate]*~~ that it is necessary to provide ~~*[behavioral health services to an enrollee through telehealth or by standard telephone or other]*~~ services to an enrollee through telehealth ~~*[as a condition to providing the coverage described in subsection 1;]*~~ or receive

~~*[(2) Receive]*~~ any additional type of certification or license to provide ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ 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 ~~[:~~

~~*(1) The]*~~ distant site from which a provider of health care provides ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth ~~*[;]*~~ or the

~~*[(2) The]*~~ originating site at which an enrollee receives ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth; or

(d) Require ~~*[covered behavioral health services to be provided through telehealth or by standard telephone or require other]*~~ 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 ~~*[behavioral health service provided through telehealth or by standard telephone or any other]*~~ 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 ~~*[behavioral health service provided through telehealth or by standard telephone or another]*~~ service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a health care plan of a health maintenance organization includes coverage for behavioral health services provided in the home of an enrollee, such coverage must not depend on the geographic location at which the home is located.*

5. 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 ~~*[or by standard telephone]*~~ 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.]~~ *6.* Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021,* 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.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 6.3. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other

information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 5.3 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the

affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 6.6. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a health care plan issued by a managed care organization must include coverage for behavioral health services provided to an insured by standard telephone to the same extent and in the same amount as though provided in person, through telehealth or by other means.

2. Coverage of behavioral health services provided pursuant to this section is subject to the provisions of NRS 695G.162 to the same extent as if those behavioral health services were provided by telehealth.

3. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, 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.

4. A managed care organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services is only required to comply with the provisions of this section with regard to those health care services to the extent that federal financial participation to include such coverage in the State Plan for Medicaid is available pursuant to subsection 2 of NRS 422.2721.

5. As used in this section:

(a) "Behavioral health services" has the meaning ascribed to it in NRS 422.2721.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 7. 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 ~~[:~~

~~*(a) Behavioral health services provided to an insured through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and*~~

~~*(b) Other]*~~ 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 ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate ~~[:~~
~~(1) Demonstrate]~~ that it is necessary to provide ~~[behavioral health services to an insured through telehealth or by standard telephone or other]~~ services to an insured through telehealth ~~[as a condition to providing the coverage described in subsection 1;]~~ or receive
~~[(2) Receive]~~ any additional type of certification or license to provide ~~[behavioral health services through telehealth or by standard telephone or other]~~ 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 ~~[:~~
~~(1) The]~~ distant site from which a provider of health care provides services through telehealth ~~[;]~~ or the
~~[(2) The]~~ originating site at which an insured receives ~~[behavioral health services through telehealth or by standard telephone or other]~~ services through telehealth; or

(d) Require ~~[covered behavioral health services to be provided through telehealth or by standard telephone or require other]~~ 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 ~~[behavioral health service provided through telehealth or by standard telephone or any other]~~ 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 ~~[behavioral health service provided through telehealth or by standard telephone or another]~~ service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *If a health care plan of a managed care organization includes coverage for behavioral health services provided in the home of an insured, such coverage must not depend on the geographic location at which the home is located.*

5. 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 ~~[or by standard telephone]~~ 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.]~~ *6.* Evidence of coverage that is delivered, issued for delivery or renewed on or after July 1, ~~[2015,]~~ *2021,* 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.]~~ *7.* As used in this section:

(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 8. NRS 422.2721 is hereby amended to read as follows:

422.2721 1. The Director shall include in the State Plan for Medicaid:

(a) A requirement that the State, and, to the extent applicable, any of its political subdivisions, shall pay for the nonfederal share of expenses for services ~~[:~~

~~*(1) Behavioral health services provided to a person through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and*~~

~~*(2) Other services]*~~ provided to a person through telehealth to the same extent as though provided in person or by other means; and

(b) A provision prohibiting the State from:

(1) Requiring a person to obtain prior authorization that would not be required if a service were provided in person or through other means, establish a relationship with a provider of health care or provide any additional consent to or reason for obtaining ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth as a condition to paying for services as described in paragraph (a). The State Plan for Medicaid may require prior authorization for a ~~*[behavioral health service provided through telehealth or by standard telephone or another]*~~ service provided through telehealth if such prior authorization would be required if the service were provided in person or through other means.

(2) Requiring a provider of health care to demonstrate ~~[:~~

~~*(I) Demonstrate*~~ that it is necessary to provide ~~*behavioral health services to a person through telehealth or by standard telephone or other]*~~ services to a person through telehealth ~~*[as a condition to paying for services as described in paragraph (a);]*~~ or receive

~~*[(II) Receive]*~~ any additional type of certification or license to provide ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth as a condition to paying for services as described in paragraph (a).

(3) Refusing to pay for services as described in paragraph (a) because of the ~~[:~~

~~*(I) The]*~~ distant site from which a provider of health care provides ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth ~~*[;]*~~ or the

~~*[(II) The]*~~ originating site at which a person who is covered by the State Plan for Medicaid receives ~~*[behavioral health services through telehealth or by standard telephone or other]*~~ services through telehealth.

(4) Requiring ~~*[behavioral health services to be provided through telehealth or by standard telephone or requiring other]*~~ services to be provided through telehealth as a condition to paying for such services.

2. *The Director shall apply to the Secretary of Health and Human Services for any waiver of federal law necessary to receive federal financial participation to include in the State Plan for Medicaid coverage of behavioral health services provided to a person by standard telephone. If such a waiver is granted or federal financial participation for such coverage is otherwise available under federal law:*

(a) The Director must include such coverage in the State Plan for Medicaid; and

(b) To the extent authorized by the terms of the waiver or federal law, that coverage is subject to the provisions of this section to the same extent as behavioral health services provided to a person through telehealth.

3. If the State Plan for Medicaid includes a requirement that the State, and, to the extent applicable, any of its political subdivisions, must pay for the nonfederal share of expenses for behavioral health services provided in the home of a person, such payment must not depend on the geographic location at which the home is located.

~~*[3.]*~~ *4.* The provisions of this section do not:

(a) Require the Director to include in the State Plan for Medicaid coverage of any service that the Director is not otherwise required by law to include; or

(b) Require the State or any political subdivision thereof to:

(1) Ensure that covered services are available to a recipient of Medicaid through telehealth *or by* ~~*[standard telephone]*~~ *audio-only technology* at a particular originating site; or

(2) Provide coverage for a service that is not included in the State Plan for Medicaid or provided by a provider of health care that does not participate in Medicaid.

~~[3. 4.]~~ *5.* As used in this section:

(a) *"Behavioral health services" means services for the evaluation, management or treatment of a mental health condition or an alcohol or other substance use disorder.*

(b) "Distant site" has the meaning ascribed to it in NRS 629.515.

~~[(b)]~~ *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.

~~[(c)]~~ *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.

~~[(d)]~~ *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 9. ~~[NRS 616C.730 is hereby amended to read as follows:~~

~~"616C.730 1. Every policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must include coverage for :~~

~~*(a) Behavioral health services provided to an employee through telehealth or by standard telephone to the same extent and in the same amount as though provided in person or by other means; and*~~

~~*(b) Other* services provided to an employee through telehealth to the same extent as though provided in person or by other means.~~

~~2. An insurer shall not:~~

~~(a) Require an employee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining *behavioral health services through telehealth or by standard telephone or other* services through telehealth as a condition to providing the coverage described in subsection 1;~~

~~(b) Require a provider of health care to [demonstrate] :~~

~~*(1) Demonstrate* that it is necessary to provide *behavioral health services to an employee through telehealth or by standard telephone or other* services to an employee through telehealth *as a condition to providing the coverage described in subsection 1*; or [receive]~~

~~*(2) Receive* any additional type of certification or license to provide *behavioral health services through telehealth or by standard telephone or other* 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] :~~

~~*(1) The* distant site from which a provider of health care provides *behavioral health services through telehealth or by standard telephone or other* services through telehealth ; or [the]~~

~~*(2) The* originating site at which an employee receives *behavioral health services through telehealth or by standard telephone or other* services through telehealth; or~~

~~(d) Require *covered behavioral health services to be provided through telehealth or by standard telephone or require other* covered services to be provided through telehealth as a condition to providing coverage for such services.~~

~~3. A policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS must not require an employee to obtain prior authorization for any *behavioral health service provided through telehealth or by standard telephone or any other* service provided through telehealth that is not required for the service when provided in person. Such a policy of insurance may require prior authorization for a *behavioral health service provided through telehealth or by standard telephone or another* service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.~~

~~*4. If a policy of insurance issued pursuant to chapters 616A to 617, inclusive, of NRS includes coverage for behavioral health services provided in the home of an employee, such coverage must not depend on the geographic location at which the home is located.*~~

~~*5.* The provisions of this section do not require an insurer to:~~

~~(a) Ensure that covered services are available to an employee through telehealth *or by standard telephone* 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 insurer is not otherwise required by law to do so.~~

~~[5.] *6.* A policy of insurance subject to the provisions of chapters 616A to 617, inclusive, of NRS that is delivered, issued for delivery or renewed on or after July 1, [2015,] *2021*, has the legal effect of including the coverage required by this section, and any provision of the policy or the renewal which is in conflict with this section is void.~~

~~[6.] *7.* As used in this section:~~

~~(a) *"Behavioral health services" has the meaning ascribed to it in NRS 422.2721.*~~

~~*(b)* "Distant site" has the meaning ascribed to it in NRS 629.515.~~

~~[(b)] *(c)* "Originating site" has the meaning ascribed to it in NRS 629.515.~~

~~[(c)] *(d)* "Provider of health care" has the meaning ascribed to it in NRS 439.820.~~

~~[(d)] *(e)* "Telehealth" has the meaning ascribed to it in NRS 629.515.]~~ (Deleted by amendment.)

Sec. 10. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 148 makes several changes to Senate Bill No. 56. The amendment requires the Division of Health Care Financing and Policy of DHHS to apply for a waiver from the federal centers for Medicare and Medicaid services to approve matching funds for coverage for standard telephone behavioral-health services. It amends the bill to make coverage for behavioral-health services provided through telehealth or by standard telephone to recipients of Medicaid a requirement effective only if the waiver sought is granted. It deletes section 9 which requires a policy of industrial insurance to include coverage for behavioral-health services through telehealth or by standard telephone.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 139.

Bill read second time.

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

Amendment No. 149.

SUMMARY—Requires certain health insurance to cover treatment of certain conditions relating to gender dysphoria. (BDR 57-54)

AN ACT relating to insurance; requiring certain health insurance to include coverage for the treatment of conditions relating to gender dysphoria; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of health insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2712-422.27241, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194, 689C.1945, 689C.195, 695A.184-695A.1875, 695B.1901-695B.1948, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required for health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 1, 3, 4, 6-8, 11 and 13-15 of this bill : (1) require certain public and private policies of health insurance and health care plans, including Medicaid, to cover the treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development ~~[.]~~ ; and (2) authorize those policies and plans to prescribe requirements that must be satisfied before the insurer will cover surgical treatment for conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for persons who are less than 17 years of age. Sections 2, 5, 9, 10 and 12 of this bill make conforming changes to indicate the placement of sections 1, 4, 8 and 15 in the Nevada Revised Statutes.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall include in the policy coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~[Voice therapists;~~

~~(g)]~~ Gynecologists;

~~[(h)]~~ (g) Plastic surgeons; and

~~[(i)]~~ (h) Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.

2. An insurer that issues a policy of health insurance may prescribe requirements that must be satisfied before the insurer covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an insured who is less than

17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. An insurer shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer. If, after a reasonable effort, the insurer is unable to make such benefits available through such a provider of health care, the insurer must cover the benefits when provided to an insured through a provider of health care who does not participate in the network of the plan of the insurer.

~~[3.]~~ 4. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

~~[4.]~~ 5. As used in this section:

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose

or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ *, and section 1 of this act.*

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall include in the policy coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~*[Voice therapists;*~~

~~*(g)]*~~ *Gynecologists;*

~~*[(h)]*~~ *(g) Plastic surgeons; and*

~~[(i)]~~ (h) *Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.*

2. An insurer that issues a policy of group health insurance may prescribe requirements that must be satisfied before the insurer covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an insured who is less than 17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. An insurer shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer. If, after a reasonable effort, the insurer is unable to make such benefits available through such a provider of health care, the insurer must cover the benefits when provided to an insured through a provider of health care who does not participate in the network of the plan of the insurer.

~~[3.]~~ 4. *A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.*

~~[4.]~~ 5. *As used in this section:*

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall include in the health benefit plan coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~[Voice therapists;~~

~~(g)]~~ Gynecologists;

~~[(h)]~~ (g) Plastic surgeons; and

~~[(i)]~~ (h) *Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.*

2. A carrier that issues a health benefit plan may prescribe requirements that must be satisfied before the carrier covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an insured who is less than 17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. A carrier shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier. If, after a reasonable effort, the carrier is unable to make such benefits available through such a provider of health care, the carrier must cover the benefits when provided to an insured through a provider of health care who does not participate in the network of the plan of the carrier.

~~[3.]~~ *4. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

~~[4.]~~ *5. As used in this section:*

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 4 of this act,* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall include in the benefit contract coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~[Voice therapists;~~

~~(g)]~~ Gynecologists;

~~[(h)]~~ (g) Plastic surgeons; and

~~[(i)]~~ (h) Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.

2. A society that issues a benefit contract may prescribe requirements that must be satisfied before the society covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an insured who is less than 17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. A society shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society. If, after a reasonable effort, the society is unable to make such benefits available through such a provider of health care, the society must cover the benefits when provided to an insured through a provider of health care who does not participate in the network of the plan of the society.

~~[3.]~~ 4. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract that conflicts with the provisions of this section is void.

~~[4.]~~ 5. As used in this section:

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance shall include in the policy coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~[Voice therapists;~~

~~(g)~~ *Gynecologists;*

~~(h)~~ (g) *Plastic surgeons; and*

~~(i)~~ (h) *Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.*

2. An hospital or medical services corporation that issues a policy of health insurance may prescribe requirements that must be satisfied before the hospital or medical services corporation covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an insured who is less than 17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. A hospital or medical services corporation shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation. If, after a reasonable effort, the hospital or medical services corporation is unable to make such benefits available through such a provider of health care, the hospital or medical services corporation must cover the benefits when provided to an insured through a provider of health care who does not participate in the network of the plan of the hospital or medical services corporation.

~~3.~~ 4. *A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.*

~~4.~~ 5. *As used in this section:*

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan shall include in the health care plan coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~[Voice therapists;~~

~~(g)]~~ Gynecologists;

~~[(h)]~~ (g) Plastic surgeons; and

~~[(i)]~~ (h) Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.

2. A health maintenance organization that issues a health care plan may prescribe requirements that must be satisfied before the health maintenance organization covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an enrollee who is less than 17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The enrollee must provide a written expression of the desire of the enrollee to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. A health maintenance organization shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization. If, after a reasonable effort, the health maintenance organization is unable to make those benefits available through such a provider of health care, the health maintenance organization must cover the benefits when provided to an enrollee through a provider of health care who does not participate in the network of the plan of the health maintenance organization.

~~[3.]~~ 4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[4.]~~ 5. As used in this section:

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender

identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate

any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to 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. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 *and section 8 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207 ~~[,]~~ *or section 8 of this act;*

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall include in the health care plan coverage for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development. Such coverage must include, without limitation, coverage of medically necessary psychosocial and surgical intervention and any other medically necessary treatment for such disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~[Voice therapists;~~

~~(g)]~~ Gynecologists;

~~[(h)]~~ (g) Plastic surgeons; and

~~[(i)]~~ (h) Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.

2. A managed care organization that issues a health care plan may prescribe requirements that must be satisfied before the managed care organization covers surgical treatment of conditions relating to gender dysphoria, gender incongruence and other disorders of sexual development for an insured who is less than 17 years of age. Such requirements may include, without limitation, requirements that:

(a) The treatment must be recommended by a psychologist, psychiatrist or other mental health professional;

(b) The treatment must be recommended by a physician;

(c) The insured must provide a written expression of the desire of the insured to undergo the treatment; and

(d) A written plan for treatment that covers at least 1 year must be developed and approved by at least two providers of health care.

3. A managed care organization shall make a reasonable effort to ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization. If, after a reasonable effort, the managed care organization is unable to make such benefits available through such a provider of health care, the managed care organization must cover the benefits when provided to an insured through a provider of health care who does not participate in the network of the plan of the managed care organization.

~~[3.]~~ 4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

~~[4.]~~ 5. As used in this section:

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender

identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.

(c) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 15 of this act,* 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 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 may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 3 of this act,* 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance

exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, *and section 11 of this act*, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, must pay the nonfederal share of expenditures incurred for the medically necessary treatment of conditions relating to gender dysphoria, gender incongruence and other

disorders of sexual development. Such treatment includes, without limitation, psychosocial and surgical intervention and any other medically necessary treatment for these disorders provided by:

(a) Endocrinologists;

(b) Pediatric endocrinologists;

(c) Social workers;

(d) Psychiatrists;

(e) Psychologists;

(f) ~~*[Voice therapists;*~~

~~*(g)]*~~ *Gynecologists;*

~~*[(h)]*~~ *(g) Plastic surgeons; and*

~~*[(i)]*~~ *(h) Any other providers of medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development.*

2. As used in this section:

(a) "Gender dysphoria" means distress or impairment in social, occupational or other areas of functioning caused by a marked difference between the gender identity or expression of a person and the sex assigned to the person at birth which lasts at least 6 months and is shown by at least two of the following:

(1) A marked difference between gender identity or expression and primary or secondary sex characteristics or anticipated secondary sex characteristics in young adolescents.

(2) A strong desire to be rid of primary or secondary sex characteristics because of a marked difference between such sex characteristics and gender identity or expression or a desire to prevent the development of anticipated secondary sex characteristics in young adolescents.

(3) A strong desire for the primary or secondary sex characteristics of the gender opposite from the sex assigned at birth.

(4) A strong desire to be of the opposite gender or a gender different from the sex assigned at birth.

(5) A strong desire to be treated as the opposite gender or a gender different from the sex assigned at birth.

(6) A strong conviction of experiencing typical feelings and reactions of the opposite gender or a gender different from the sex assigned at birth.

(b) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a 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.

➥ *A provider of health care prescribing, ordering, recommending or approving a health care service or product does not, by itself, make that health care service or product medically necessary.*

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. 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.

Sec. 17. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 149 makes four changes to Senate Bill No. 139. The amendment deletes voice therapists from the list of medically necessary treatment that must be covered by certain health-insurance policies and health-care plans, including Medicaid. It requires certain health insurers to use reasonable efforts to secure health-care providers within their network plan, who provide the medically necessary services for the treatment of gender dysphoria, gender incongruence and other disorders of sexual development. If the insurer is unable to secure an in-network provider that provides such medically necessary benefits, then the insurer must provide coverage for such treatments as an out-of-network benefit. It authorizes health insurers to include additional requirements that must be satisfied before the insurer will cover surgical treatment of gender dysphoria, gender incongruence and other disorders of sexual development in patients under the age of 17. It adds new provisions to expand the definition of "medically necessary" to include the fact that a physician may approve, order, prescribe or recommend a service does not, of itself, make it medically necessary or make the charge payable by certain health insurers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 209.

Bill read second time.

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

Amendment No. 150.

SUMMARY—Revises provisions relating to employment. (BDR 53-953)

AN ACT relating to employment; requiring an employer in private employment to provide paid leave for the purpose of the employee receiving a vaccination for SARS-CoV-2; requiring an employer in private employment to allow ~~[any use]~~ certain uses of paid leave; requiring the Legislative Committee on Health Care to conduct an interim study concerning the ~~[long-term implications of]~~ response by this State to SARS-CoV-2 ~~[on casino workers and frontline workers;]~~ and to make recommendations for legislation concerning the response by this State to future public health crises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer in private employment who has 50 or more employees in this State to provide at least 0.01923 hours of paid leave to an employee for each hour worked, which may be used by the employee beginning on the 90th calendar day of his or her employment. Existing law authorizes an employer to impose certain limitations on the accrual and use of paid leave and exempts certain employers from the requirements of existing law. (NRS 608.0197) ~~[Section,]~~ In addition to this existing paid leave, section 1 of this bill requires an employer to ~~[allow]~~ provide 2 or 4 hours of paid leave to each employee for the purpose of the employee receiving a vaccination for SARS-CoV-2, including a variant of SARS-CoV-2. Section 1 requires an employee to receive: (1) 2 consecutive hours of paid leave if the vaccination requires only one dose; and (2) 4 hours of paid leave in two allotments of 2 consecutive hours each if the vaccination requires two separate doses on two separate occasions. Section 1 requires an employee to provide at least 12 hours of notice to the employer before using the paid leave to obtain a vaccination for SARS-CoV-2. Section 1 prohibits an employer from: (1) denying an employee the right to use such paid leave; (2) penalizing the employee for using such paid leave; or (3) retaliating against the employee for using such paid leave. Section 1 provides that such paid leave must not be used in calculating the number of hours for which an employee is entitled to be compensated for overtime. Finally, section 1: (1) provides that an employer who provides an on-premises vaccination clinic is not required to provide such paid leave; and (2) includes requirements and restrictions which mirror those in existing language in section 1.5 of this act.

Section 1.5 of this bill allows an employee to use paid leave for any use, including: (1) treatment of a medical or physical illness, injury or health condition; (2) receiving a medical diagnosis or medical care; (3) receiving or participating in preventative care; (4) ~~[receiving a vaccination, including a vaccination for SARS-CoV-2; (5)]~~ participating in caregiving; or ~~[(6)]~~ (5) addressing other personal needs related to the health of the employee.

Existing law creates the Legislative Committee on Health Care. (NRS 439B.200) Section 2 of this bill requires the Committee to : (1) conduct a study during the 2021-2022 interim concerning the ~~[long-term health implications of]~~ response by this Sate to SARS-CoV-2 ~~[on casino workers and frontline workers, including workers living in this State who do not have lawful immigration status.]~~ ; and (2) make recommendations for legislation to the Governor and the 82nd Session of the Nevada Legislature concerning the response by this State to future public health crises. Section 2 ~~[: (1) requires the Committee, in conducting this study, to appoint a representative of minority communities; and (2) authorizes the Committee to appoint additional representatives of other affected communities.]~~ authorizes the Committee to examine and consider various items and recommendations related to the public health infrastructure in this State and to SARS-CoV-2. Section 2 requires the Committee to submit a report of the results of the study and ~~[any]~~ recommendations for legislation ~~[relating to the study]~~ concerning the

response by this State to future public health crises to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 6, 10 and 11, in addition to the paid leave provided pursuant to NRS 608.0197, every employer in private employment shall provide 2 or 4 hours, as determined pursuant to subsection 2, of paid leave to each employee for the purpose of the employee receiving a vaccination for COVID-19.

2. If an employee is to receive a vaccination for COVID-19 and the vaccination requires:

(a) Only one dose, the employee may take 2 consecutive hours of paid leave to receive the vaccination for COVID-19.

(b) Two separate doses that are administered on two separate occasions, the employee may take 2 consecutive hours of paid leave per absence for a total of 4 hours of paid leave.

3. An employee shall, at least 12 hours before using paid leave provided to the employee pursuant to this section, give notice to his or her employer that the employee intends to use the paid leave.

4. An employer, and any agent, representative, supervisory employee or other person acting on behalf of or under the authority of the employer, shall not:

(a) Deny an employee the right to use the paid leave provided to the employee pursuant to this section;

(b) Require an employee to find a replacement worker as a condition of using the paid leave provided to the employee pursuant to this section; or

(c) Retaliate or take any adverse action against an employee for using the paid leave provided to the employee pursuant to this section. Such prohibited retaliation includes, without limitation:

(1) Discharging or firing the employee;

(2) Penalizing the employee in any fashion; and

(3) Deducting the paid leave provided to the employee pursuant to this section from the salary or wages of the employee.

5. Any paid leave provided to an employee pursuant to this section must not be used in calculating the number of hours for which an employee is entitled to be compensated for overtime.

6. This section does not apply to an employer who provides a clinic on the premises of the employer where an employee may receive a vaccination for COVID-19 during the regular hours of work of the employee.

7. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor

Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

8. An employer shall maintain a record of the receipt or accrual and use of paid leave pursuant to this section for each employee for a 1-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

9. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.

10. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.

11. This section does not apply to:

(a) An employer who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provides a policy for paid leave or a policy for paid time off to all scheduled employees at a rate of at least 0.01923 hours of paid leave per hour of work performed; and

(b) Temporary, seasonal or on-call employees.

12. As used in this section:

(a) "COVID-19" means:

(1) The novel coronavirus identified as SARS-CoV-2;

(2) Any mutation or variant of the novel coronavirus identified as SARS-CoV-2; or

(3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

(b) "Employer" means a private employer who has 50 or more employees in private employment in this State.

~~[Section 1.]~~ *Sec. 1.5.* NRS 608.0197 is hereby amended to read as follows:

608.0197 1. Except as otherwise provided in this section, every employer in private employment shall provide paid leave to each employee of the employer as follows:

(a) An employee is entitled to at least 0.01923 hours of paid leave for each hour of work performed.

(b) An employee may, as determined by the employer, obtain paid leave by:

(1) Receiving on the first day of each benefit year the total number of hours of paid leave that the employee is entitled to accrue in a benefit year pursuant to paragraph (a); or

(2) Accruing over the course of a benefit year the total number of hours of paid leave that the employee is entitled to accrue in a benefit year pursuant to paragraph (a).

(c) Paid leave accrued pursuant to subparagraph (2) of paragraph (b) may carry over for each employee between his or her benefit years of employment, except an employer may limit the amount of paid leave for each employee carried over to a maximum of 40 hours per benefit year.

(d) Except as otherwise provided in paragraph (i), an employer shall:

(1) Compensate an employee for the paid leave available for use by that employee at the rate of pay at which the employee is compensated at the time such leave is taken, as calculated pursuant to paragraph (e); and

(2) Pay such compensation on the same payday as the hours taken are normally paid.

(e) For the purposes of determining the rate of pay at which an employee is compensated pursuant to paragraph (d), the compensation rate for an employee who is paid by:

(1) Salary, commission, piece rate or a method other than hourly wage must:

(I) Be calculated by dividing the total wages of the employee paid for the immediately preceding 90 days by the number of hours worked during that period;

(II) Except as otherwise provided in sub-subparagraph (III), include any bonuses agreed upon and earned by the employee; and

(III) Not include any bonuses awarded at the sole discretion of the employer, overtime pay, additional pay for performing hazardous duties, holiday pay or tips earned by the employee.

(2) Hourly wage must be calculated by the hourly rate the employee is paid by the employer.

(f) An employer may limit the amount of paid leave an employee uses to 40 hours per benefit year.

(g) An employer may set a minimum increment of paid leave, not to exceed 4 hours, that an employee may use at any one time.

(h) An employer shall provide to each employee on each payday an accounting of the hours of paid leave available for use by that employee. An employer may use the system that the employer uses to pay its employees to provide the accounting of the hours of paid leave available for use by the employee.

(i) An employer may, but is not required to, compensate an employee for any unused paid leave available for use by that employee upon separation from employment, except if the employee is rehired by the employer within 90 days after separation from that employer and the separation from employment was not due to the employee voluntarily leaving his or her employment, any previously unused paid leave hours available for use by that employee must be reinstated.

2. An employee in private employment may use paid leave available for use by that employee as follows:

(a) An employer shall allow an employee to use paid leave beginning on the 90th calendar day of his or her employment.

(b) *An employer shall allow an employee to use paid leave for any use, including, without limitation:*

(1) Treatment of a mental or physical illness, injury or health condition;

(2) Receiving a medical diagnosis or medical care;

(3) Receiving or participating in preventative care;

(4) ~~*[Receiving a vaccination, including, without limitation, a vaccination for COVID-19;*~~

~~*(5)]*~~ *Participating in caregiving; or*

~~*[(6)]*~~ *(5) Addressing other personal needs related to the health of the employee.*

(c) An employee may use paid leave available for use by that employee without providing a reason to his or her employer for such use.

~~[(c)]~~ *(d)* An employee shall, as soon as practicable, give notice to his or her employer to use the paid leave available for use by that employee.

3. An employer shall not:

(a) Deny an employee the right to use paid leave available for use by that employee in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using paid leave available for use by that employee; or

(c) Retaliate against an employee for using paid leave available for use by that employee.

4. The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

5. An employer shall maintain a record of the receipt or accrual and use of paid leave pursuant to this section for each employee for a 1-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

6. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid leave benefit or paid time off benefit.

7. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.

8. This section does not apply to:

(a) An employer who, pursuant to a contract, policy, collective bargaining agreement or other agreement, provides employees with a policy for paid leave or a policy for paid time off to all scheduled employees at a rate of at least 0.01923 hours of paid leave per hour of work performed; and

(b) Temporary, seasonal or on-call employees.

9. As used in this section:

(a) "Benefit year" means a 365-day period used by an employer when calculating the accrual of paid leave.

(b) ~~[*"COVID-19" means:*~~

~~*(1) The novel coronavirus identified as SARS-CoV-2;*~~

~~*(2) Any mutation of the novel coronavirus identified as SARS-CoV-2; or*~~

~~*(3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.*~~

~~*(c)]*~~ "Employer" means a private employer who has 50 or more employees in private employment in this State.

Sec. 2. 1. The Legislative Committee on Health Care shall ~~[conduct]~~ :

(a) Conduct a study during the 2021-2022 interim concerning the ~~[long-term health implications related to the]~~ response by this State to the COVID-19 health crisis , ~~[on casino workers and frontline workers,]~~ including, without limitation, ~~[casino and frontline workers living in this State who do not have lawful immigration status.]~~ with regard to employees working in this State; and

(b) Make recommendations for legislation to the Governor and to the 82nd Session of the Nevada Legislature concerning future public health crises.

2. In conducting the study ~~[,]~~ and making recommendations, the Legislative Committee on Health Care ~~[shall appoint a representative of minority communities. The Committee may appoint additional representatives of other affected communities, as determined by the Committee.]~~ may, without limitation:

(a) Examine the public health infrastructure in this State. Such an examination may include, without limitation:

(1) An analysis of the strengths and weaknesses of the public health infrastructure in this State;

(2) An analysis on how state and local governments responded, delineated duties and jurisdiction and coordinated during the COVID-19 health crisis; and

(3) How the items listed in subparagraphs (1) and (2) can be improved for future public health crises.

(b) Consider recommendations for increased funding for the public health infrastructure of this State.

(c) Examine the long-term impacts of the COVID-19 health crisis on frontline workers and workers commonly considered to be essential workers.

(d) Examine the health and economic impacts of the COVID-19 health crisis using an equitable perspective.

(e) Examine the benefits and challenges of implementing a task force composed of public and private representatives that seeks to support private businesses and the population areas of this State.

(f) Consider the creation of a Public Health Service Corps in this State.

3. ~~[The]~~ On or before September 1, 2022, the Legislative Committee on Health Care shall submit a report of the results of the study and ~~[any]~~ recommendations for legislation ~~[relating to the study]~~ concerning the response by this State to future public health crises to ~~[the]~~ :

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

4. As used in this section:

(a) "COVID-19" means:

(1) The novel coronavirus identified as SARS-CoV-2;

(2) Any mutation of the novel coronavirus identified as SARS-CoV-2; or

(3) A disease or health condition caused by the novel coronavirus identified as SARS-CoV-2.

(b) ~~["Casino worker" means an employee of a casino or hotel, including, without limitation, a gaming employee. As used in this paragraph, "gaming employee" has the meaning ascribed to it in NRS 463.0157.~~

~~(c)]~~ "Frontline worker" means any person who is at a greater risk of acquiring and transmitting infection due to unavoidable, close and prolonged contact with others required to perform his or her job responsibilities. This term includes, without limitation, any workers that the Legislative Committee on Health Care determines are frontline workers.

Sec. 2.5. 1. This act becomes effective upon passage and approval.

2. Section 1 of this act expires by limitation on December 31, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 150 to Senate Bill No. 209 adds a new section to the bill to authorize an employee to use up to four hours of paid leave, which is separate from the paid leave already accrued by the employee, to receive a vaccine related to COVID-19 or any variant thereof and provide that such employee may not be discharged or penalized by his or her employer. It deletes provisions in section 1.5 which allow an employee in private employment to use paid leave for receiving a vaccination, including a vaccination for COVID-19. It deletes provisions requiring the Legislative Committee on Health Care to study the long-term, health impacts related to the COVID-19 health crisis on casino and frontline workers and requires the Committee to study the Nevada COVID-19 response. It changes the effective date to become effective upon passage and approval and provides that the newly-proposed provisions authorizing paid leave to receive a vaccine related to COVID-19 expire by limitation on December 31, 2023.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 182.

SUMMARY—Establishes requirements relating to testing for sexually transmitted diseases. (BDR 40-563)

AN ACT relating to public health; requiring certain providers of emergency medical services in a hospital or primary care to ~~[ask]~~ consult with certain patients as to whether they wish to be tested for sexually transmitted diseases; requiring such a provider to test a patient who ~~[answers in the affirmative]~~ wishes to be tested or assist the patient in obtaining a test where practicable ~~[,]~~ and medically indicated; requiring a hospital to ensure the performance of such consultation and testing under certain circumstances; authorizing the imposition of ~~[professional]~~ discipline against a hospital or provider for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes requirements concerning the control, prevention and treatment of the human immunodeficiency virus and other sexually transmitted diseases. (NRS 441A.240-441A.336) Section 1 of this bill requires, with certain exceptions, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is at least 15 years of age to: (1) ~~[ask]~~ consult with the patient ~~[if]~~ to ascertain whether he or she wishes to be tested or assisted with obtaining testing for sexually transmitted diseases ~~[,]~~ and to determine which tests, if any, are medically indicated; and (2) to the extent practicable ~~[,]~~ and that testing is medically indicated, test a patient who ~~[answers in the affirmative]~~ wishes to be tested for sexually transmitted diseases or help such a patient obtain a test. Section 1 similarly requires a hospital that provides emergency medical service or primary care to a patient who is at least 15 years of age to ensure such consultation and the provision of such testing or assistance. A physician, physician assistant, advanced practice registered nurse , ~~[or]~~ midwife or hospital is not required to ~~[offer to provide such a test or referral]~~ comply with those requirements if the patient is being treated for a life-threatening emergency, has recently been offered or undergone such a test or lacks the capacity to consent to testing. Sections 1-6 of this bill provide that a hospital, physician, physician assistant, advanced practice registered nurse or midwife ~~[who]~~ that fails to comply with the requirements of section 1 is not subject to a criminal penalty or an administrative fine imposed by the State Board of Health, but it subject to ~~[professional discipline]~~ disciplinary action where applicable.

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

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[2,]~~ 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a

hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection ~~[3.]~~ 4:

(a) ~~[Ask]~~ Consult with the patient ~~[if]~~ to ascertain whether he or she wishes to be tested for sexually transmitted diseases , ~~[,]~~ including, without limitation, the human immunodeficiency virus ~~[,]~~ , and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient ~~[answers in the affirmative,]~~ wishes to be tested, conduct ~~[such a]~~ any test which is medically indicated for the patient or assist the patient with obtaining any such ~~[a]~~ test, to the extent practicable for the physician, physician assistant, advance practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse , ~~[or]~~ midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if ~~[he or she]~~ the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

(a) Is being treated for a life-threatening emergency;

(b) Has ~~[previously]~~ recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or

(c) Lacks capacity to consent to such testing.

~~[3.]~~ 4. The Board shall adopt regulations to ensure that ~~[communications]~~ :

(a) Any test which is administered for a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

~~[4.]~~ 5. A physician, physician assistant, advanced practice registered nurse , ~~[or]~~ midwife ~~[who]~~ or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to ~~[professional discipline,]~~ disciplinary action, where applicable.

6. As used in this section:

(a) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. NRS 441A.910 is hereby amended to read as follows:

441A.910 Except as otherwise provided ~~[,]~~ *in section 1 of this act,* every person who violates any provision of this chapter is guilty of a misdemeanor.

Sec. 3. NRS 441A.920 is hereby amended to read as follows:

441A.920 ~~[Every]~~ *Except as otherwise provided in section 1 of this act, every* provider of health care, medical facility or medical laboratory that willfully fails, neglects or refuses to comply with any regulation of the Board relating to the reporting of a communicable disease or drug overdose or any requirement of this chapter is guilty of a misdemeanor and, in addition, may be subject to an administrative fine of $1,000 for each violation, as determined by the Board.

Sec. 3.5. 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, 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, 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 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 ~~[.]~~ *or section 1 of this act and any regulations adopted pursuant thereto.*

(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. 4. NRS 630.306 is hereby amended to read as follows:

630.306 1. The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

(a) Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

(b) Engaging in any conduct:

(1) Which is intended to deceive;

(2) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(3) Which is in violation of a provision of chapter 639 of NRS, or a regulation adopted by the State Board of Pharmacy pursuant thereto, that is applicable to a licensee who is a practitioner, as defined in NRS 639.0125.

(c) Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

(d) Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

(e) Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

(f) Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

(g) Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

(h) Having an alcohol or other substance use disorder.

(i) Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

(j) Failing to comply with the requirements of NRS 630.254.

(k) Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction. The provisions of this paragraph do not apply to any disciplinary action taken by the Board or taken because of any disciplinary action taken by the Board.

(l) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(m) Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

(n) Operation of a medical facility at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results 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.

(o) Failure to comply with the requirements of NRS 630.373.

(p) Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

(q) Knowingly or willfully 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:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) 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;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(r) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(s) Failure to comply with the provisions of NRS 630.3745.

(t) Failure to obtain any training required by the Board pursuant to NRS 630.2535.

(u) Failure to comply with the provisions of NRS 454.217 or 629.086.

(v) Failure to comply with the provisions of section 1 of this act or any regulations adopted pursuant thereto.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 5. NRS 632.347 is hereby amended to read as follows:

632.347 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse, nursing assistant or medication aide - certified.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) Has knowingly procured or administered 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:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) 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;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or medication aide - certified, or has committed an act in another state which would constitute a violation of this chapter.

(n) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(o) Has willfully failed to comply with a regulation, subpoena or order of the Board.

(p) Has operated a medical facility 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.

(q) Is an advanced practice registered nurse who has failed to obtain any training required by the Board pursuant to NRS 632.2375.

(r) Is an advanced practice registered nurse who has failed 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.

(s) Has engaged in the fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(t) Has violated the provisions of NRS 454.217 or 629.086.

(u) Has failed to comply with the provisions of section 1 of this act or any regulations adopted pursuant thereto.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

3. A licensee or certificate holder is not subject to disciplinary action solely for administering auto-injectable epinephrine pursuant to a valid order issued pursuant to NRS 630.374 or 633.707.

4. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 6. NRS 633.511 is hereby amended to read as follows:

633.511 1. The grounds for initiating disciplinary action pursuant to this chapter are:

(a) Unprofessional conduct.

(b) Conviction of:

(1) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(2) A felony relating to the practice of osteopathic medicine or practice as a physician assistant;

(3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(4) Murder, voluntary manslaughter or mayhem;

(5) Any felony involving the use of a firearm or other deadly weapon;

(6) Assault with intent to kill or to commit sexual assault or mayhem;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(8) Abuse or neglect of a child or contributory delinquency; or

(9) Any offense involving moral turpitude.

(c) The suspension of a license to practice osteopathic medicine or to practice as a physician assistant by any other jurisdiction.

(d) Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.

(e) Professional incompetence.

(f) Failure to comply with the requirements of NRS 633.527.

(g) Failure to comply with the requirements of subsection 3 of NRS 633.471.

(h) Failure to comply with the provisions of NRS 633.694.

(i) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results 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.

(j) Failure to comply with the provisions of subsection 2 of NRS 633.322.

(k) Signing a blank prescription form.

(l) Knowingly or willfully 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:

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) 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;

(3) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS; or

(4) Is an investigational drug or biological product prescribed to a patient pursuant to NRS 630.3735 or 633.6945.

(m) Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

(n) Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

(o) In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or knowingly or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

(p) Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

(q) Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

(r) Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

(s) Failure to comply with the provisions of NRS 629.515.

(t) Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

(u) Failure to obtain any training required by the Board pursuant to NRS 633.473.

(v) Failure to comply with the provisions of NRS 633.6955.

(w) 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.

(x) Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

(y) Failure to comply with the provisions of NRS 454.217 or 629.086.

(z) Failure to comply with the provisions of section 1 of this act or any regulations adopted pursuant thereto.

2. As used in this section, "investigational drug or biological product" has the meaning ascribed to it in NRS 454.351.

Sec. 7. This act becomes effective on July 1, 2021.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 182 to Senate Bill No. 211 requires the State Board of Health to adopt regulations to ensure that any test administered for a patient or for which a patient assisted in obtaining is medically indicated for that patient. It clarifies that in accordance with these regulations, certain health-care providers must consult with patients regarding whether they wish to be tested for sexually transmitted diseases and to determine which tests, if any, are medically indicated. It expands the requirements of the bill from certain health-care providers to also include hospitals that provide emergency medical services or primary care.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 183.

SUMMARY—Revises provisions relating to genetic counseling and testing. (BDR 40-478)

AN ACT relating to health care; requiring certain providers of health care to screen women for harmful BRCA gene mutations and provide referrals for genetic counseling and testing ~~[,]~~ under certain circumstances; requiring notice concerning genetic counseling and testing to be provided with the results of a mammogram; authorizing certain providers of health care to receive credit for continuing education relating to genetic counseling and testing; requiring certain policies of health insurance to include coverage for screening, genetic counseling ~~[,]~~ and testing ~~[and screening]~~ for harmful BRCA gene mutations for certain women; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law ~~[prescribes certain requirements relating to cancer, including: (1) requirements governing the regulation of drugs, medicines, compounds and devices used in the diagnosis, treatment or cure of cancer; (2) requirements governing the operation of a radiation machine for mammography; and (3) requirements for the reporting and analysis of certain information relating to cancer and other neoplasms. (Chapter 457 of NRS)]~~ requires a health insurer issuer to cover certain preventive services, including evidence-based items or services that have in effect a rating of "A" or "B" in the current recommendations of the United States Preventive Services Task Force. (42 U.S.C. § 300gg-13) The United States Preventive Services Task Force has recommended with a rating of "B" that: (1) primary care clinicians assess women with a personal or family history of breast, ovarian, tubal or peritoneal cancer or who have an ancestry associated with breast cancer susceptibility 1 and 2 (BRCA1/2) gene mutations with an appropriate brief familial risk assessment tool; and (2) women with a positive result on the risk assessment tool should receive genetic counseling and, if indicated after counseling, genetic testing. (United States Preventive Services Task Force, *Risk Assessment, Genetic Counseling, and Genetic Testing for BRCA-Related Cancer*, 322 JAMA 7, at pages 652-65, August 20, 2019) Section 1 of this bill requires a primary care provider to ~~[: (1) screen each adult female patient to determine whether the family history of the patient indicates an increased risk for a harmful mutation in the BRCA gene; and (2) if the screening indicates an increased risk for such a mutation, take certain actions to ensure that the woman receives genetic testing and, if the genetic testing is positive for such a mutation, genetic counseling.]~~ conduct screening, conduct or refer for genetic counseling and conduct or refer for genetic testing in accordance with those federal recommendations.

Section 2 of this bill requires a notice to be sent to a woman with the results of a mammogram advising the woman to talk to her doctor about genetic counseling and testing if there is a history of certain types of cancer in her family. Existing law provides that a person who violates certain provisions relating to cancer is guilty of a misdemeanor or, for a third or subsequent violation, a category D felony. (NRS 457.200, 457.220) A person who fails to provide the notice required by section 2 would be subject to these penalties. ~~[Section]~~ Sections 1, 2.5 and 3 of this bill ~~[exempts]~~ exempt a ~~[person]~~ primary care provider who ~~[violates]~~ fails to comply with the provisions of section 1 from ~~[the felony charge for a third or subsequent violation, meaning that any violation of section 1 would be a misdemeanor.]~~ those criminal penalties. Sections 1 and 9.5 of this bill additionally provide that a primary care provider who fails to comply with the provisions of section 1 is not subject to professional discipline.

Sections ~~[8-11]~~ 8, 10 and 11 of this bill authorize a physician, physician assistant or advanced practice registered nurse to receive credit toward

applicable continuing education requirements for completing a course of instruction relating to genetic counseling and genetic testing.

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2712-422.27241, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 695A.184-695A.1875, 695B.1901-695B.1948, 695C.1691-695C.176, 695G.162-695G.177) Existing law also requires employers to provide certain benefits to employees, including the coverage required of health insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 5-7, 12, 14, 15, 17-20 and 22 of this bill require certain public and private health plans, including Medicaid, to provide coverage for screening, genetic counseling ~~[,]~~ and testing ~~[and screening]~~ for harmful mutations in the BRCA gene ~~[for women who meet certain criteria.]~~ where such screening, genetic counseling or testing, as applicable, is required by section 1. Sections 4, 13 and 16 of this bill make conforming changes to indicate the placement of sections 7, 12 and 15 in the Nevada Revised Statutes. Section 21 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirement of section 19 of this bill to provide coverage for screening, genetic counseling ~~[,]~~ and testing ~~[and screening]~~ for harmful mutations in the BRCA gene ~~[for women who meet certain criteria.]~~ where such screening, genetic counseling or testing, as applicable, is required by section 1. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 12, 14, 15, 17, 18 and 22 of this bill. (NRS 680A.200)

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

Section 1. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A primary care provider shall ~~[screen]~~ :

(a) Attempt to determine whether each adult woman to whom he or she provides care ~~[to determine whether the]~~ has a personal or family history of ~~[the woman indicates an increased risk for]~~ breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene ~~[.]~~ or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) ~~[Administer a]~~ Provide genetic ~~[test for harmful mutations in the BRCA gene]~~ counseling to the woman or ~~[refer the woman for such testing; and~~

~~(c) If the testing conducted pursuant to paragraph (b) is positive for a harmful mutation in the BRCA gene,]~~ ensure that the woman is referred for genetic counseling ~~[.]~~ ; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, "primary care provider" means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A midwife.

Sec. 2. NRS 457.1857 is hereby amended to read as follows:

457.1857 1. If a patient undergoes mammography, the owner, lessee or other person responsible for the radiation machine for mammography that was used to perform the mammography must ensure that each report provided to the patient pursuant to 42 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Data System or such other guidelines as required by the State Board of Health by regulation, and, if applicable, the notice provided in subsection 2.

2. If the statement of the category of the patient's breast density which is provided pursuant to subsection 1 indicates that the breast tissue is dense, the report described in subsection 1 must also include a notice in the following form:

> Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your physician. Together, you can decide which screening options are right for you. A report of your results was sent to your physician.

3. *The report described in subsection 1 must include a notice in the following form:*

> *Ten to twenty percent of all cancers can be categorized as hereditary and the clinical and financial value of identifying patients and families at risk is well documented. If you have a personal or family history of*

breast, ovarian, fallopian tube, peritoneal or other cancer, please consult your physician regarding genetic counseling and testing.

4. Nothing in this section shall be construed to:

(a) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section.

(b) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. § 263b or any regulations promulgated pursuant thereto.

Sec. 2.5. NRS 457.200 is hereby amended to read as follows:

457.200 ~~[The]~~ *Except as otherwise provided in section 1 of this act, the* failure of any person or association, representing that the person or association as engaged in the diagnosis, treatment or cure of cancer, to comply with any of the provisions of this chapter, or with any order of the Division validly issued under this chapter, is a misdemeanor.

Sec. 3. NRS 457.220 is hereby amended to read as follows:

457.220 1. Except as otherwise provided in subsection 2, a person convicted of a violation of any provision of this chapter, who has previously been convicted twice or more of violations of any provisions of this chapter, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. The penalty provided in subsection 1 does not apply to violations of NRS 457.230 to 457.280, inclusive ~~[.]~~ *, or section 1 of this act.*

Sec. 4. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 7 of this act,* 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 5. NRS 287.010 is hereby amended to read as follows:

287.010 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 may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the

compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 14 of this act*, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political

subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 6. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 22 of this act* in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall include in the State Plan for Medicaid a requirement that the State, to the extent authorized by federal law, must pay the nonfederal share of expenditures incurred for screening, *genetic counseling* ~~[,]~~ *and testing* ~~[and screening]~~ *for* harmful *mutations in the BRCA gene for women* ~~[who:~~

~~*1. Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;*~~

~~*2. Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or*~~

~~*3. Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.]*~~ *under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.*

Sec. 8. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of 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:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 5.

(d) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

➥ The Board may thereafter 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.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

6. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

8. A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or care for persons with an addictive disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. 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. 9. ~~[NRS 630.275 is hereby amended to read as follows:~~

~~630.275 *1.* The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:~~

~~[1.] *(a)* The educational and other qualifications of applicants.~~

~~[2.] *(b)* The required academic program for applicants.~~

~~[3.] *(c)* The procedures for applications for and the issuance of licenses.~~

~~[4.] *(d)* The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to NRS 630.2751 or 630.2752.~~

~~[5.] *(e)* The tests or examinations of applicants by the Board.~~

~~[6.] *(f)* The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and~~

~~duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.~~

~~[7.] *(g)* The duration, renewal and termination of licenses, including licenses by endorsement.~~

~~[8.] *(h)* The grounds and procedures respecting disciplinary actions against physician assistants.~~

~~[9.] *(i)* The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.~~

~~[10.] *(j)* A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics, including, without limitation, through telehealth, from within or outside this State or the United States.~~

~~*2. If the regulations adopted pursuant to subsection 1 require a physician assistant to complete continuing education, those regulations must allow a physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.]~~ (Deleted by amendment.)

Sec. 9.5. NRS 630.3065 is hereby amended to read as follows:

630.3065 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Knowingly or willfully disclosing a communication privileged pursuant to a statute or court order.

2. Knowingly or willfully failing to comply with:

(a) A regulation, subpoena or order of the Board or a committee designated by the Board to investigate a complaint against a physician;

(b) A court order relating to this chapter; or

(c) A provision of this chapter.

3. ~~[Knowingly]~~ *Except as otherwise provided in section 1 of this act, knowingly* or willfully failing to perform a statutory or other legal obligation imposed upon a licensed physician, including a violation of the provisions of NRS 439B.410.

Sec. 10. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered ~~[nurse, a]~~ *nurse:*

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 5.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed 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:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter 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.

4. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

5. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years 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.

6. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. 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. 11. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[10]~~ *11* and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

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

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection ~~[8.]~~ *9*.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or care of persons with addictive disorders.

8. *The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.*

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

~~[9.]~~ *10.* A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

~~[10.]~~ *11.* Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 12. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall provide coverage for screening, genetic counseling ~~[,]~~ and testing ~~[and screening]~~ for harmful mutations in the BRCA gene for women ~~[who:~~

~~*(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;*~~

~~*(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or*~~

~~*(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.]~~ under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.*

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ January 1, ~~[2021,]~~ 2022, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the

Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.]~~ *, and section 12 of this act.*

Sec. 14. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall provide coverage for screening, genetic counseling ~~[,]~~ and testing ~~[and screening]~~ for harmful mutations in the BRCA gene for women ~~[who:~~

~~*(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;*~~

~~*(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or*~~

~~*(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.]~~ under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.*

2. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ January 1, ~~[2021,]~~ 2022, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall provide coverage for screening, genetic counseling ~~[,]~~ and testing ~~[and screening]~~ for harmful mutations in the BRCA gene for women ~~[who:~~

~~*(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;*~~

~~*(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or*~~

~~*(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C.*~~

~~§ 300gg-13.]~~ under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.

2. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2021, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 15 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 17. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall provide coverage for screening, *genetic counseling* ~~[,]~~ *and testing* ~~[and screening]~~ *for* harmful *mutations in the BRCA gene for women* ~~[who:~~

~~(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;~~

~~(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or~~

~~(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.]~~ under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.

2. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ January *1,* ~~[2021,]~~ 2022, *has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

4. As used in this section:

(a) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical services corporation that issues a policy of health insurance shall provide coverage for screening, genetic counseling [,] and testing [and screening] for harmful mutations in the BRCA gene for women [who:

[(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;

[(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or

[(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.] under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.

2. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

3. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after [July] January 1, [2021,] 2022, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Network plan" means a policy of health insurance offered by a hospital or medical services corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical services corporation. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 19. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan shall provide coverage for screening, genetic counseling [,] and testing [and screening] for harmful mutations in the BRCA gene for women [who:

[(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;

[(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or

~~*(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.]*~~ *under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.*

2. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ January 1, ~~[2021,]~~ 2022, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

4. As used in this section:

(a) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to 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. This subsection does not exempt a health maintenance

organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 *and section 19 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 21. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 19 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 22. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall provide coverage for screening, genetic counseling ~~[,]~~ *and testing* ~~[and screening]~~ *for* harmful *mutations in the BRCA gene for women* ~~[who:~~

~~(a) Have a family or personal history of breast cancer, ovarian cancer, tubal cancer or peritoneal cancer;~~

~~(b) Have one or more family members who have a mutation in the BRCA1 or BRCA2 gene that is known to be harmful or one or more ancestors who had such a mutation; or~~

~~(c) Meet any other criteria for such counseling and testing identified by the United States Preventive Services Task Force pursuant to 42 U.S.C. § 300gg-13.]~~ *under circumstances where such screening, genetic counseling or testing, as applicable, is required by section 1 of this act.*

2. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[July]~~ January *1,* ~~[2021,]~~ 2022, *has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.*

4. As used in this section:

(a) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care,

including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. 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.

Sec. 24. This act becomes effective on ~~[July]~~ January 1, ~~[2021.]~~ 2022.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 183 to Senate Bill No. 251 requires primary-care providers to attempt to determine whether adult women to whom they provide care have a personal or family history of certain types of cancer or meet other criteria for which the U.S. Preventive Services Task Force recommends screening for a harmful mutation in the BRCA gene. It requires the primary-care provider to provide genetic counseling if screening indicates that a woman is at high risk of such a mutation and, if clinically indicated, administer a genetic test to the woman. It deletes section 9, which would have allowed physician assistants to receive continuing education credit for completing a course related to genetic counseling and genetic testing. It revises provisions related to the services health insurers must cover to include screening, genetic counseling, and testing for harmful mutations in the BRCA gene for women under the circumstances outlined in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 290.

Bill read second time.

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

Amendment No. 409.

SUMMARY—Enacts provisions relating to prescription drugs for the treatment of cancer. (BDR 57-973)

AN ACT relating to insurance; requiring ~~[an insurer]~~ certain insurers to allow a person who has been diagnosed with stage 3 or 4 cancer and is covered by the insurer to apply for an exemption from required step therapy for certain drugs; requiring ~~[an insurer]~~ such insurers to grant such an exemption in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires local governments that provide health coverage for employees through a self-insurance reserve fund, private sector employers who provide health benefits for their employees, insurers who issue individual or group health policies, medical services corporations and health maintenance organizations to cover certain prescription drugs for the treatment of cancer. (NRS 287.010, 608.1555, 689A.0404, 689B.0365, 695B.1908, 695C.1733) Sections 1, 3, 4, 6-8 , 11, 12 and ~~[11-14]~~ 13 of this bill require all health insurers, including ~~[Medicaid and]~~ public and private sector employers that provide health benefits for their employees ~~[,]~~ but excluding Medicaid, to allow a covered person who has been diagnosed with stage 3 or 4 cancer or the

attending practitioner of such a covered person to apply for an exemption from step therapy that would otherwise be required for a prescription drug in the formulary of the insurer to treat the cancer or any symptom thereof of the covered person. Sections 1, 3, 4, 6-8, 11, 12 and ~~[11-14]~~ 13 require an insurer to: (1) grant such an exemption in certain circumstances; and (2) post ~~[certain information about the application process]~~ a form for applying for such an exemption in an easily accessible location on the Internet ~~[.]~~ website of the insurer. Sections 2 ~~[,]~~ and 5 ~~[, 9, 15 and 16]~~ of this bill make conforming changes to indicate the placement of sections 1 ~~[,]~~ and 4 ~~[, 8 and 14]~~ in the Nevada Revised Statutes. Sections 9 and 11.5 of this bill exempt from the provisions of sections 8 and 11, respectively, a health maintenance organization or other managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program. Section 10 of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of section 8. The Commissioner is also authorized to take such action against other health insurers who fail to comply with the requirements of sections 1, 3, 4, 6, 7 and 11 of this bill. (NRS 680A.200)

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Except as otherwise provided in subsection 9, an insurer that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~[who specializes in oncology.]~~ , registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must ~~[:~~

~~*(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;*~~

~~*(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and*~~

~~*(c) In any case,]*~~ *make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.*

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical

or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.

8. An insurer shall post in an easily accessible location on an Internet website maintained by the insurer ~~[:~~

~~*(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the insurer for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and*~~

~~*(b) The contact information of any person that an insured or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the application or may contact for assistance in completing and submitting the application.]*~~ *a form for requesting an exemption pursuant to this section.*

9. If a policy of health insurance uses a formulary, the insurer is not required to allow an insured to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021,

has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

~~*[10.]*~~ *11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~.]~~ *, and section 1 of this act.*

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An]~~ Except as otherwise provided in subsection 9, an insurer that offers or issues a policy of group health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the insurer the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~[who specializes in oncology.]~~ , registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, an insurer that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, an insurer that receives an application for an exemption pursuant to subsection 1 must ~~[:~~

~~*(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;*~~

~~*(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and*~~

~~*(c) In any case,]*~~ *make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.*

5. An insurer shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. An insurer must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If an insurer approves an application for an exemption from a step therapy protocol pursuant to this section, the insurer must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of group health insurance. The insurer may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the insurer must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The insurer may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The insurer shall provide a report of the review to the insured.

8. An insurer shall post in an easily accessible location on an Internet website maintained by the insurer ~~[:~~

~~*(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the insurer for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and*~~

~~*(b) The contact information of any person that an insured or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the application or may contact for assistance in completing and submitting the application.]*~~ *a form for requesting an exemption pursuant to this section.*

9. If a policy of group health insurance uses a formulary, the insurer is not required to allow an insured to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

~~*[10.]*~~ *11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 9, a carrier that offers or issues a health benefit plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step

therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the carrier the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~[who specializes in oncology.]~~ , registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a carrier that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a carrier that receives an application for an exemption pursuant to subsection 1 must ~~[:~~

~~(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;~~

~~*(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and*~~

~~*(c) In any case,]*~~ *make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.*

5. A carrier shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. A carrier must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a carrier approves an application for an exemption from a step therapy protocol pursuant to this section, the carrier must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health benefit plan. The carrier may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the carrier must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. <u>The carrier may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the</u>

cancer or symptom. The carrier shall provide a report of the review to the insured.

8. A carrier shall post in an easily accessible location on an Internet website maintained by the carrier ~~[:~~

~~(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the carrier for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and~~

~~(b) The contact information of any person that an insured or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the application or may contact for assistance in completing and submitting the application.]~~ a form for requesting an exemption pursuant to this section.

9. If a health benefit plan uses a formulary, the carrier is not required to allow an insured to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

~~[10.]~~ 11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, *and section 4 of this act* to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 9, a society that offers or issues a benefit contract which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the society the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~[who specializes in oncology.]~~ , registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a society that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a society that receives an application for an exemption pursuant to subsection 1 must ~~[:~~

~~*(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;*~~

~~*(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and*~~

~~*(c) In any case,]*~~ *make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.*

5. A society shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. A society must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a society approves an application for an exemption from a step therapy protocol pursuant to this section, the society must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable benefit contract. The society may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the society must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The society may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The society shall provide a report of the review to the insured.

8. A society shall post in an easily accessible location on an Internet website maintained by the society ~~:~~

~~*(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the society for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and*~~

~~*(b) The contact information of any person that an insured or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the*~~

~~*application or may contact for assistance in completing and submitting the application.]*~~ *a form for requesting an exemption pursuant to this section.*

9. If a benefit contract uses a formulary, the society is not required to allow an insured to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the benefit contract that conflicts with this section is void.

~~*[10.]*~~ *11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.*

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[A]*~~ *Except as otherwise provided in subsection 9, a hospital or medical services corporation that offers or issues a policy of health insurance which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:*

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the a hospital or medial services corporation the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~*[who specializes in oncology.]*~~ *, registered nurse or pharmacist.*

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a hospital or medical services corporation that receives an application for an exemption pursuant to subsection 1 must [:

~~(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;~~

~~(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and~~

~~(c) In any case,]~~ make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.

5. A hospital or medical services corporation shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. A hospital or medical services corporation must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a hospital or medical services corporation approves an application for an exemption from a step therapy protocol pursuant to this section, the hospital or medical services corporation must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable policy of health insurance. The hospital or medical services corporation may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the hospital or medical services corporation must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. *The hospital or medical services corporation may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The hospital or medical services corporation shall provide a report of the review to the insured.*

8. A hospital or medical services corporation shall post *in an easily accessible location* *on an Internet website maintained by the hospital or medical services corporation* ~~*[:*~~

~~*(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the hospital or medical services corporation for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and*~~

~~*(b) The contact information of any person that an insured or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the application for exemption or may contact for assistance in completing and submitting the application.]*~~ *a form for requesting an exemption pursuant to this section.*

9. If a policy of health insurance uses a formulary, the hospital or medical services corporation is not required to allow an insured to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the policy that conflicts with this section is void.

~~[10.]~~ 11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 9, a health maintenance organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an enrollee who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the enrollee to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the enrollee or attending practitioner, or a designated advocate for the enrollee or attending practitioner, to present to the health maintenance organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~[who specializes in oncology.]~~ , registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the enrollee demonstrating that the enrollee has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to

complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the enrollee, a health maintenance organization that receives an application for an exemption pursuant to subsection 1 must ~~[:~~

~~*(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;*~~

~~*(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and*~~

~~*(c) In any case,]*~~ *make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the enrollee.*

5. A health maintenance organization shall disclose to the enrollee or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. A health maintenance organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the enrollee when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the enrollee and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the enrollee and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the enrollee or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the enrollee; or

(2) Has prevented or is likely to prevent the enrollee from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the enrollee is stable while being treated with the prescription drug for which the exemption is requested and the enrollee has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a health maintenance organization approves an application for an exemption from a step therapy protocol pursuant to this section, the health maintenance organization must cover the prescription drug to which the exemption applies in accordance with the terms of the applicable health care plan. The health maintenance organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the health maintenance organization must continue to cover the drug for as long as it is necessary to treat the enrollee for the cancer or symptom. The health maintenance organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the enrollee for the cancer or symptom. The health maintenance organization shall provide a report of the review to the enrollee.

8. A health maintenance organization shall post in an easily accessible location on an Internet website maintained by the health maintenance organization ~~[:~~

~~(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the health maintenance organization for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and~~

~~(b) The contact information of any person that an enrollee or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the application or may contact for assistance in completing and submitting the application.]~~ a form for requesting an exemption pursuant to this section.

9. If a health care plan uses a formulary, the health maintenance organization is not required to allow an enrollee to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.

~~[10.]~~ 11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an enrollee.

Sec. 9. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 *and section 8 of this act* do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to 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. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 ~~*[and section 8 of this act]*~~ apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 8 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 9, a managed care organization that offers or issues a health care plan which provides coverage of a prescription drug for the treatment of cancer or any symptom of cancer that is part of a step therapy protocol shall allow an insured who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the insured to apply for an exemption from the step therapy protocol. The application process for such an exemption must:

(a) Allow the insured or attending practitioner, or a designated advocate for the insured or attending practitioner, to present to the managed care organization the clinical rationale for the exemption and any relevant medical information.

(b) Clearly prescribe the information and supporting documentation that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.

(c) Require the review of each application by at least one physician ~~[who specializes in oncology.]~~ , registered nurse or pharmacist.

2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:

(a) May include, without limitation:

(1) The medical history or other health records of the insured demonstrating that the insured has:

(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or

(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and

(2) Any other relevant clinical information.

(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.

3. Except as otherwise provided in subsection 4, a managed care organization that receives an application for an exemption pursuant to subsection 1 shall:

(a) Make a determination concerning the application if the application is complete or request additional information or documentation necessary to complete the application not later than 72 hours after receiving the application; and

(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.

4. If, in the opinion of the attending practitioner, a step therapy protocol may seriously jeopardize the life or health of the insured, a managed care

organization that receives an application for an exemption pursuant to subsection 1 must ~~[:~~

~~*(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;*~~

~~*(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and*~~

~~*(c) In any case,]*~~ *make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the insured.*

5. A managed care organization shall disclose to the insured or attending practitioner who submits an application for an exemption from a step therapy protocol pursuant to subsection 1 the name and qualifications of each person who will review the application.

6. A managed care organization must grant an exemption from a step therapy protocol in response to an application submitted pursuant to subsection 1 if:

(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested has not been effective at treating the cancer or symptom of the insured when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;

(b) Delay of effective treatment would have severe or irreversible consequences for the insured and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the insured and the known characteristics of the treatment;

(c) Each treatment otherwise required under the step therapy:

(1) Is contraindicated for the insured or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm to the insured; or

(2) Has prevented or is likely to prevent the insured from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505;

(d) The condition of the insured is stable while being treated with the prescription drug for which the exemption is requested and the insured has previously received approval for coverage of that drug; or

(e) Any other condition for which such an exemption is required by regulation of the Commissioner is met.

7. If a managed care organization approves an application for an exemption from a step therapy protocol pursuant to this section, the managed care organization must cover the prescription drug to which the exemption

applies in accordance with the terms of the applicable health care plan. The managed care organization may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the managed care organization must continue to cover the drug for as long as it is necessary to treat the insured for the cancer or symptom. The managed care organization may conduct a review not more frequently than once each quarter to determine, in accordance with available medical evidence, whether the drug remains necessary to treat the insured for the cancer or symptom. The managed care organization shall provide a report of the review to the insured.

8. A managed care organization shall post in an easily accessible location on an Internet website maintained by the managed care organization ~~[:~~

~~(a) The procedure to apply for an exemption from a step therapy protocol pursuant to this section, any forms prescribed by the managed care organization for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and~~

~~(b) The contact information of any person that an insured or attending practitioner who submits an application for exemption from a step therapy protocol pursuant to this section is required to contact concerning the application or may contact for assistance in completing and submitting the application.]~~ a form for requesting an exemption pursuant to this section.

9. If a health care plan uses a formulary, the managed care organization is not required to allow an insured to apply for an exemption from a step therapy protocol pursuant to this section for a drug that is not included in the formulary.

10. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the health care plan that conflicts with this section is void.

~~[10.]~~ 11. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer or any symptom of such cancer of an insured.

Sec. 11.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.167, 695G.200 to 695G.230, inclusive, and 695G.430 *and section 11 of this act* do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to 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. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 12. NRS 287.010 is hereby amended to read as follows:

287.010 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 may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 3 of this act,* 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and

689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 13. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.155, 695G.160, 695G.162, 695G.164,

695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.174, inclusive, *and section 11 of this act,* 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 14. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Department or a pharmacy benefit manager with which the Department contracts pursuant to NRS 422.4053 to manage prescription drug benefits shall allow a recipient of Medicaid who has been diagnosed with stage 3 or 4 cancer or the attending practitioner of the recipient to apply for an exemption from step therapy that would otherwise be required pursuant to NRS 422.403 to instead use a prescription drug prescribed by the attending practitioner to treat the cancer or any symptom thereof of the recipient of Medicaid. The application process must:*~~

~~*(a) Allow the recipient or attending practitioner, or a designated advocate for the recipient or attending practitioner, to present to the Department or pharmacy benefit manager, as applicable, the clinical rationale for the exemption and any relevant medical information.*~~

~~*(b) Clearly prescribe the information and supporting documents that must be submitted with the application, the criteria that will be used to evaluate the request and the conditions under which an expedited determination pursuant to subsection 4 is warranted.*~~

~~*(c) Require the review of each application by at least one physician who specializes in oncology.*~~

~~*2. The information and supporting documentation required pursuant to paragraph (b) of subsection 1:*~~

~~*(a) May include, without limitation:*~~

~~*(1) The medical history or other health records of the recipient demonstrating that the recipient has:*~~

~~*(I) Tried other drugs included in the pharmacological class of drugs for which the exemption is requested without success; or*~~

~~*(II) Taken the requested drug for a clinically appropriate amount of time to establish stability in relation to the cancer and the guidelines of the prescribing practitioner; and*~~

~~*(2) Any other relevant clinical information.*~~

~~*(b) Must not include any information or supporting documentation that is not necessary to make a determination about the application.*~~

~~*3. Except as otherwise provided in subsection 4, the Department or pharmacy benefit manager, as applicable, that receives an application for an exemption pursuant to subsection 1 shall:*~~

~~*(a) Make a determination concerning the application or request additional information or documentation not later than 72 hours after the application; and*~~

~~(b) If it requests additional information or documentation, make a determination concerning the application not later than 72 hours after receiving the requested information or documentation.~~

~~4. If, in the opinion of the attending practitioner, step therapy may seriously jeopardize the life or health of the recipient, the Department or pharmacy benefit manager that receives an application for an exemption pursuant to subsection 1, as applicable, must:~~

~~(a) Except as otherwise provided in paragraphs (b) and (c), make an expedited determination concerning the application not later than 24 hours after receiving the application or, if additional information or documentation is necessary to make the determination, request such information or documentation within 24 hours after receiving the application;~~

~~(b) If it requests additional information or documentation, make the determination not later than 24 hours after receiving the additional information or documentation; and~~

~~(c) In any case, make a determination concerning the application as expeditiously as necessary to avoid serious jeopardy to the life or health of the recipient.~~

~~5. The Department or pharmacy benefit manager, as applicable, shall disclose to a recipient or attending practitioner who submits an application for an exemption from step therapy pursuant to subsection 1 the name and qualifications of each person who will review the application.~~

~~6. The Department or pharmacy benefit manager, as applicable, must grant an exemption from step therapy in response to an application submitted pursuant to subsection 1 if:~~

~~(a) Any treatment otherwise required under the step therapy or any drug in the same pharmacological class or having the same mechanism of action as the drug for which the exemption is requested have been ineffective at treating the cancer or symptom when prescribed in accordance with clinical indications, clinical guidelines or other peer-reviewed evidence;~~

~~(b) Delay of effective treatment would have severe or irreversible consequences and the treatment otherwise required under the step therapy is not reasonably expected to be effective based on the physical or mental characteristics of the recipient and the known characteristics of the treatment;~~

~~(c) Each treatment otherwise required under the step therapy:~~

~~(1) Is contraindicated for the recipient or has caused or is likely, based on peer-reviewed clinical evidence, to cause an adverse reaction or other physical harm; or~~

~~(2) Has prevented or is likely to prevent the recipient from performing the responsibilities of his or her occupation or engaging in activities of daily living, as defined in 42 C.F.R. § 441.505; or~~

~~(d) The condition of the recipient is stable while being treated with the prescription drug for which the exemption is requested and the recipient has previously received approval for coverage of that drug.~~

~~*7. If the Department or pharmacy benefit manager, as applicable, approves an application for an exemption from step therapy pursuant to this section, the State must pay the nonfederal share of the cost of the prescription drug to which the exemption applies. The Department or pharmacy benefit manager may initially limit the coverage to a 1-week supply of the drug for which the exemption is granted. If the attending practitioner determines after 1 week that the drug is effective at treating the cancer or symptom for which it was prescribed, the State must continue to pay the nonfederal share of the cost of the drug for as long as it is necessary to treat the cancer or symptom of the recipient.*~~

~~*8. The Department and any pharmacy benefit manager with which the Department contracts pursuant to NRS 422.4053 to manage prescription drug benefits shall post on an Internet website maintained by the Department or pharmacy benefit manager, as applicable:*~~

~~*(a) The procedure to apply for an exemption from step therapy pursuant to this section, any forms prescribed by the Department or pharmacy benefit manager, as applicable, for the submission of such an application and a list of any supporting information or documentation that must be included in such an application; and*~~

~~*(b) The contact information for any person that a recipient or attending practitioner who submits an application for exemption from step therapy pursuant to this section is required to contact concerning the application or may contact for assistance in completing and submitting the application.*~~

~~*9. As used in this section, "attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the cancer of a recipient or any symptom of such cancer.]*~~ (Deleted by amendment.)

Sec. 15. ~~[NRS 422.401 is hereby amended to read as follows:~~

~~422.401 As used in NRS 422.401 to 422.406, inclusive, *and section 14 of this act*, unless the context otherwise requires, the words and terms defined in NRS 422.4015 to 422.4024, inclusive, have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 16. ~~[NRS 422.406 is hereby amended to read as follows:~~

~~422.406 1. The Department may, to carry out its duties set forth in NRS 422.27172 to 422.27178, inclusive, and 422.401 to 422.406, inclusive, *and section 14 of this act* and to administer the provisions of those sections:~~

~~(a) Adopt regulations; and~~

~~(b) Enter into contracts for any services.~~

~~2. Any regulations adopted by the Department pursuant to NRS 422.27172 to 422.27178, inclusive, and 422.401 to 422.406, inclusive, *and section 14 of this act* must be adopted in accordance with the provisions of chapter 241 of NRS.]~~ (Deleted by amendment.)

Sec. 17. 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.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 409 makes various changes to Senate Bill No. 290. The amendment provides that if a health insurance policy uses a formulary, certain insurers are not required to allow an insured to apply for an exemption from a step-therapy protocol for a drug that is not included in the formulary. It provides that at least one physician, registered nurse or pharmacist is required to review each application. It clarifies that certain insurers must make a determination of a complete application for an exemption of the step protocol or may request additional information necessary to complete the application not later than 72 hours after receiving the application. It deletes provisions that certain health insurers must respond to a step-therapy exemption within 24 hours if the attending practitioner determines that a step-therapy process may seriously jeopardize the life or health of the insured. It authorizes the insurer to conduct a review not more frequently than once each quarter and in accordance with available medical evidence, to determine whether the drug remains necessary to treat the insured for the cancer or symptom. It provides that an insurer is required to post, in an easily accessible location on an Internet website maintained by the insurer, a form for requesting an exemption from the step-therapy protocol. It exempts a health-maintenance organization that provides health-care services to recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program from granting an exemption of its step-therapy protocol. It deletes sections which require DHHS to grant an exemption of its step-therapy protocol to a recipient of Medicaid.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 230.

SUMMARY—Revises provisions relating to elections. (BDR 24-999)

AN ACT relating to public office; requiring a ballot in the general election to have an option to vote a straight ticket for partisan races; revising the qualification requirements for a minor political party; revising the deadline to challenge the qualification of a minor political party; revising provisions for filling a vacancy in the office of United States Senator, Representative in Congress or State Legislator; repealing various provisions relating to major political parties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a mechanical voting system to permit a voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. (NRS 293B.080) Section 1 of this bill requires a ballot used for the general election to permit a voter to vote for all the candidates of one political party on the ballot in partisan races by marking the name of the political party at the top of the ballot, which must be available for every major political party and minor political party. Section 1 also provides that if a voter selects the straight ticket option on the ballot and also votes for an individual candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option in a partisan race, the vote for the individual candidate must prevail over the straight ticket option if the votes conflict.

Section 4 of this bill requires a voter education program provided by a county to include information concerning straight ticket voting. Section 5 of this bill makes conforming changes relating to the requirements for straight ticket and split ticket voting on a mechanical voting device.

Existing law establishes certain requirements for a minor political party to qualify as a minor political party in this State, which include filing a petition with the Secretary of State not later than the third Friday in June preceding the general election which is signed by a number of registered voters equal to at least 1 percent of the number of voters who cast votes at the last preceding general election for the offices of Representative in Congress. (NRS 293.1715) Section 2 of this bill revises this requirement to instead provide that to qualify as a minor political party, the minor political party must file a petition ~~[: (1)]~~ by June 1 preceding the general election or, if that date falls on a weekend, the first Monday in June ~~[,]~~ and ~~[(2) signed by a]~~ the number of registered voters ~~[equal to at least 2 percent of the number of voters who cast votes at the last preceding general election for the offices of Representative in Congress, which]~~ required to sign the petition must be equally divided among the petition districts. Section 3 of this bill makes conforming changes to move the deadline to file a challenge on the qualification of a minor political party to place the names of candidates on the ballot from the fourth Friday in June to the second Monday in June. (NRS 293.174)

Existing law requires the Governor to appoint a person to fill a vacancy in the office of United States Senator. (NRS 304.030) Section 6 of this bill requires the Governor to appoint a person who is of the same political party as the former Senator.

Existing law requires the Governor to fill a vacancy in the office of Representative in Congress by calling for a special election. Such a special election may be consolidated with a statewide election or local election under certain circumstances. (NRS 304.230, 304.240) Sections 8 and 9 of this bill require a candidate for a major political party to be nominated at a special primary election before the special general election and require the Governor to specify a date for a special primary election to be held not less than 60 days before the date of the special general election. Sections 8 and 13.5 of this bill require the cost of a special primary election and special general election to be paid from the Reserve for Statutory Contingency Account unless such elections are consolidated with a statewide election or local election.

Section 8 removes a requirement for a special election to be conducted not more than 90 days after the issuance of a proclamation by the Governor if a vacancy is caused by a catastrophe. Sections 7, 10 and 15 of this bill make conforming changes by: (1) removing definitions relating to a catastrophe; and (2) revising certain references relating to such provisions.

Under existing law, a vacancy in the office of Legislator is filled by appointment by the board of county commissioners of the county in which the legislative district of the former Legislator is located or, if the legislative district of the former Legislator comprises more than one county, the boards

of county commissioners of each county within or partly within the legislative district of the former Legislator. (Nev. Art. 4, §12; NRS 218A.260, 218A.262) Existing law requires the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. (NRS 218A.262) Sections 11 and 12 of this bill: (1) require the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a list of qualified nominees to fill the vacancy; and (2) require , with certain exceptions, the board or boards of county commissioners to fill the vacancy by appointing a person from the list of qualified nominees. The board or boards of county commissioners may vote to reject all of the qualified nominees on the list and request the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a new list of qualified nominees to fill the vacancy. In such a circumstance, the board or boards of county commissioners must appoint a qualified nominee to fill the legislative vacancy from the second list of qualified nominees submitted by the applicable Majority or Minority Leader.

If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member, sections 11 and 12 require the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. Section 13 of this bill makes a conforming change to require a nominee or applicant to fill a vacancy to file a declaration of eligibility with the board or boards of county commissioners.

Existing law sets forth various requirements for the internal organization and procedures of major political parties, including requirements for the election of delegates to county and state conventions, the manner of organization of county conventions and provisions governing state and central committees. (NRS 293.130-293.163) Section 15 of this bill removes these provisions.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Ballots for the general election must permit the voter to vote a straight ticket for all the candidates of one political party in partisan races on the ballot by marking the name of the political party at the top of the ballot.

2. If a voter marks the name of a political party at the top of the ballot and also marks the name of a candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option on the ballot in a partisan race, the vote for the candidate must prevail if the votes conflict.

3. For the purposes of subsection 1, the ballot must include a straight ticket option for every major political party and minor political party.

Sec. 2. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) ~~[Not later than the third Friday in]~~ *On* June *1* preceding the general election ~~[,]~~ *or if the date falls on a weekend, the first Monday in June,* must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 ~~*[2]*~~ percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress ~~[.]~~ *which must be apportioned equally among the petition districts.*

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

5. To determine the number of signatures required by paragraph (c) of subsection 2 to be gathered from each petition district, the Secretary of State shall calculate the number that equals ~~[2]~~ 1 percent of the voters who voted in this State at the last preceding general election and apportion that number by the number of petition districts. Fractional numbers must be rounded up to the nearest whole number.

Sec. 3. NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~[fourth Friday]~~ *second Monday* in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~[fourth Friday]~~ *second Monday* in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State. The district court in which the challenge

is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

Sec. 4. NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning *straight ticket voting pursuant to section 1 of this act, if applicable,* the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

Sec. 5. NRS 293B.080 is hereby amended to read as follows:

293B.080 A mechanical voting system must, except at primary elections, permit the voter to vote for all the candidates of one party *in accordance with section 1 of this act* or in part for the candidates of one party and in part for the candidates of one or more other parties.

Sec. 6. NRS 304.030 is hereby amended to read as follows:

304.030 In case of a vacancy in the office of United States Senator caused by death, resignation or otherwise, the Governor may appoint some qualified person to fill the vacancy, *who is a member of the same political party as the former Senator for at least 90 days immediately preceding the creation of the vacancy and* who shall hold office until the next general election and until his or her successor shall be elected and seated.

Sec. 7. NRS 304.040 is hereby amended to read as follows:

304.040 Except as otherwise provided in NRS ~~[304.200 to 304.250, inclusive,]~~ *304.230 and 304.240,* party candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.

Sec. 8. NRS 304.230 is hereby amended to read as follows:

304.230 1. In the event of a vacancy in the office of Representative in Congress, the Governor shall, within 7 days after the event giving rise to the vacancy, issue an election proclamation calling for ~~[a]~~ *:*

(a) A special primary election to be held for selecting the nominee of each major political party for the office of Representative in Congress; and

(b) A special *general* election to fill the vacancy ~~[.]~~ *in the office of Representative in Congress.*

2. The Governor shall specify the ~~[date]~~ *dates* of *the special primary election and* the special *general* election in the proclamation. ~~[Except as otherwise provided in subsection 2, the]~~ *The special primary election must be held not less than 60 days before the date of the special general election.*

3. A special primary election and a special general election must be conducted:

(a) As soon as practicable after the issuance of the proclamation ~~[;]~~ *but with sufficient time to comply with the provisions of chapter 293D of NRS and the*

Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(b) On a Tuesday; and

(c) Not more than 180 days after the issuance of the proclamation. ~~[If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation.~~

~~2.]~~ *4.* A special *primary* election *or special general election* required pursuant to subsection 1 may be consolidated with a statewide election or local election scheduled to be conducted within 90 days after the issuance of the proclamation. The special *primary* election *or special general election* may be consolidated with a local election occurring wholly or partially within the same territory in which the vacancy exists only if the voters eligible to vote in the local election comprise at least 50 percent of all voters eligible to vote on the vacancy. *If a special primary election or a special general election is not consolidated with a statewide election or local election, the cost of the special primary election or special general election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval of the State Board of Examiners.*

Sec. 9. NRS 304.240 is hereby amended to read as follows:

304.240 1. ~~[If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.~~

~~2. Except as otherwise provided in this section, a candidate must be nominated in the manner provided in chapter 293 of NRS and]~~ *A person who wants to be a candidate at a special primary election called pursuant to NRS 304.230* must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time ~~[for the mailing of election ballots.~~

~~3.]~~ *to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.*

2. A candidate of a major political party is nominated ~~[by filing a declaration of candidacy with the appropriate filing officer and paying the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204.~~

~~4.]~~ *at the special primary election.*

3. A minor political party that wishes to place its candidates on the ballot *at the special general election* must file a list of its candidates with the Secretary of State not ~~[more than 46 days before the special election and not less than 32 days before]~~ *later than the day following* the special *primary* election.

~~[5.]~~ *4.* To have his or her name appear on the ballot ~~[,]~~ *at the special general election,* an independent candidate must file a petition of candidacy

with the appropriate filing officer not ~~[more than 46 days before the special election and not less than 32 days before]~~ *later than the day following* the special *primary* election.

~~[6.]~~ *5.* Except as otherwise provided in *this section and* NRS ~~[304.200 to 304.250, inclusive:]~~ *304.230:*

(a) The *special primary election and special general* election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the *special primary election and the special general* election.

Sec. 10. NRS 304.250 is hereby amended to read as follows:

304.250 The Secretary of State shall adopt such regulations as are necessary for conducting *special* elections pursuant to the provisions of NRS ~~[304.200 to 304.250, inclusive.]~~ *304.230 and 304.240*.

Sec. 11. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If, for any reason set forth in Section 12 of Article 4 of the Nevada Constitution or for any other reason, a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. ~~[If]~~ *Except as otherwise provided in subsection 3, if* the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who *is nominated or* timely files an application to fill the vacancy *, as applicable,* pursuant to NRS 218A.262 , ~~[and a declaration of eligibility pursuant to NRS 218A.264,]~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date *on which the person is nominated or the date* established pursuant to ~~[subsection 1 of]~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[.]~~ *, as applicable.*

3. If *the board of county commissioners votes to reject all of the qualified nominees submitted to the board pursuant to NRS 218A.262, if applicable, the board must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall fill the vacancy by appointing a qualified nominee from the new list.*

4. Except as otherwise provided in subsection 5, if the former Legislator was elected or appointed from a district comprising more than one county, the boards of county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who meets the

qualifications for the office as required by NRS 218A.200, who *is nominated or* timely files an application to fill the vacancy , *as applicable*, pursuant to NRS 218A.262 , ~~[and a declaration of eligibility pursuant to NRS 218A.264,]~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date *on which the person is nominated or the date* established pursuant to ~~[subsection 2 of]~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[.]~~ , *as applicable.* To fill the vacancy:

(a) Each board of county commissioners shall first meet separately . ~~[and]~~ *Each board of county commissioners shall vote to* determine the single candidate it will nominate to fill the vacancy ~~[.]~~ *or, if a list of qualified nominees was submitted pursuant to NRS 218A.262, to reject all of the qualified nominees.*

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If *a list of qualified nominees was not required to be submitted to the boards of county commissioners pursuant to NRS 218A.262 and* no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

~~[4.]~~ *5. If at the joint meeting held pursuant to paragraph (b) of subsection 4 the choice to reject all of the qualified nominees from the list submitted pursuant to NRS 218A.262 receives a plurality of the votes, the boards of county commissioners must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall repeat the process set forth in subsection 4 but must fill the vacancy by appointing a qualified nominee from the new list of qualified nominees.*

6. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

7. As used in this section, "qualified nominee" means a person:

(a) Who meets the qualifications for the office as required by NRS 218A.200;

(b) Who is a member of the same political party as the former Legislator; and

(c) Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.

Sec. 12. NRS 218A.262 is hereby amended to read as follows:

218A.262 1. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district wholly within one county, *the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator must submit to the board of county commissioners a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member,* the board of county commissioners of the county in which the district is located shall establish:

(a) A process by which persons may file applications with the board to fill the vacancy; and

(b) A specific date for the close of filing of applications to fill the vacancy.

2. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district comprising more than one county ~~[.]~~ *, the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator must submit to the board of county commissioners of each county within or partly within the district a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member:*

(a) The board of county commissioners of each county within or partly within the district shall establish a process by which persons may file applications with that board to fill the vacancy.

(b) The board of county commissioners of the county with the largest population in the district shall, after considering any recommendations made by the other boards within a reasonable time after the vacancy, establish a specific date that is the same for all of the boards for the close of filing of applications to fill the vacancy.

3. If, pursuant to NRS 218A.260, the board or boards of county commissioners, as applicable, reject all of the qualified nominees on the list submitted by the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator, the same Majority or Minority Leader must submit a new list of

one of more qualified nominees to fill the vacancy to the board or boards of county commissioners.

4. As used in this section, "qualified nominee" means a person:

(a) Who meets the qualifications for the office as required by NRS 218A.200;

(b) Who is a member of the same political party as the former Legislator; and

(c) Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated ~~[pursuant to subsection 1 or 2.]~~ by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.

Sec. 13. NRS 218A.264 is hereby amended to read as follows:

218A.264 1. If a person *is nominated pursuant to NRS 218A.260 or 218A.262, or a person* files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with ~~[his or her application]~~ *the board of county commissioners,* a declaration of eligibility that must be in substantially the following form:

> For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, ... (name of assembly or senatorial district), I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date *of nomination pursuant to NRS 218A.262 or the date* established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[,]~~ *, as applicable;* that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date

of my appointment and that, during such period, I will have resided at the following residence or residences:

.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To.....	From ..... To .....
Dates of Residency.....	Dates of Residency .....
.....	.....
Street Address	Street Address
.....	.....
City or Town	City or Town
.....	.....
State	State
From ..... To.....	From ..... To .....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

.....
(Name of applicant)

.....
(Signature of applicant)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.*

4. Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 13.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, *304.230,* 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 14. ~~[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.]~~ (Deleted by amendment.)

Sec. 15. NRS 293.130, 293.133, 293.134, 293.135, 293.137, 293.140, 293.143, 293.145, 293.150, 293.153, 293.155, 293.157, 293.160, 293.161, 293.163, 304.200, 304.210 and 304.220 are hereby repealed.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations 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.

LEADLINES OF REPEALED SECTIONS

293.130 County conventions: Place; notice.

293.133 Number of delegates from voting precincts to county convention.

293.134 Use of room or space occupied by State or local government by state or county central committee.

293.135 Precinct meetings of registered voters before county convention: Time and place; notice.

293.137 Election of delegates to county convention; procedure if precinct fails to elect delegates; certificates given to elected delegates; state central committee to adopt written procedural rules.

293.140 County conventions: Manner of organization; authorized action of delegates.

293.143 County central committee: Number; change in membership.

293.145 Number of delegates to state convention.

293.150 State conventions: Place and actions; additional conventions.

293.153 Number of members of state central committee.

293.155 Rules of county and state conventions; delegate must be qualified elector; unit rule of voting prohibited.

293.157 State and county central committees: Terms of office; termination of membership; vacancies.

293.160 State and county central committees: Election of officers and executive committee; other powers.

293.161 Right of participation as delegate to county or state convention or member of county or state central committee.

293.163 Selection of delegates and alternates to national party convention and members of national committee by state convention in presidential election year.

304.200 Definitions.

304.210 "Catastrophe" defined.

304.220 "Disappearance" defined.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 230 to Senate Bill No. 292 restores the petition signature threshold for minor-party ballot access to 1 percent of the total number of votes cast at the last General Election for representative in Congress. It restores existing NRS language that provides for the consolidation of a special election to fill the vacancy in the office of representative in Congress with a Statewide election or local election and specifies that if a special primary or special general election cannot be consolidated, the cost of the special election must be a charge against the State. It adds a definition of "qualified nominee" as it relates to the list of nominees submitted by the Majority or Minority Leader of the Senate or Assembly, as the case may be, to fill a vacancy in the office of Legislator. It provides that the Board of County Commissioners, when filling a Legislator vacancy, may vote to reject all of the qualified nominees submitted by legislative leadership and may request a new list of nominees for the vacancy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 56, 139, 211, 292 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:37 p.m.

SENATE IN SESSION

At 5:17 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 126, 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 40, 146, 158, 309, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which was referred Senate Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 255, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 190.

SUMMARY—Revises provisions governing guardianship of minors. (BDR 13-390)

AN ACT relating to guardianship of minors; establishing provisions relating to the transfer of jurisdiction of a guardianship of a minor to or from another state; establishing provisions relating to the registration and recognition of guardianship orders concerning minors that were issued in another state; revising provisions relating to the appointment of guardians by a court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to: (1) the transfer of jurisdiction of a guardianship of an adult to or from another state; and (2) the registration and recognition of guardianship orders concerning adults that were issued in another state. (NRS 159.2023-159.2027) Sections 2-5 of this bill establish such provisions for the guardianship of minors.

Section 2 of this bill authorizes a guardian appointed in this State to petition a court to transfer the jurisdiction of the guardianship to another state and requires the court to issue an order provisionally granting the petition if the court makes certain findings. Section 2 also requires the court to issue a final order confirming the transfer and terminating the guardianship upon a petition for termination and the filing of a provisional order accepting the proceeding from the court to which the proceeding is to be transferred.

Section 3 of this bill requires a guardian or other interested party who wishes to transfer jurisdiction of a guardianship from another state to this State to petition a court of this State to accept guardianship and requires that such a petition contain certain information. Section 3 generally requires the court to issue a provisional order granting such a petition after a hearing is held and to issue a final order granting guardianship upon the filing of a final order issued by the other state that terminates the proceedings in that state and transfers the proceedings to this State. Section 3 additionally requires the court to determine whether the guardianship needs to be modified to conform to the laws of this State and, if so, to order any such modifications.

Section 4 of this bill provides that: (1) if a petition for the appointment of a guardian is not pending in this State and a guardian has been appointed in another state, the guardian is authorized to petition the court to register the guardianship order in this State; and (2) after a hearing on the petition, the court is required to issue an order granting the petition if there is no contest to the petition. Section 5 of this bill authorizes the guardian, after the registration of such a guardianship, to exercise all powers authorized in the order of appointment except as otherwise prohibited by law. Section 5 also requires a court of this State to recognize and enforce such a registered guardianship but prohibits the court from modifying such a registered guardianship.

Section 6 of this bill revises the definition of "home state" for the purposes of determining the home state of a child who is less than 6 months of age. ~~[, and section]~~ Section 7 of this bill authorizes a court to appoint: (1) a guardian of the person or guardian of the person and estate for a minor whose home state is not this State under certain circumstances if the minor is physically present in Nevada ~~[.]~~; and (2) a guardian of the person, guardian of the estate,

or guardian of the person and estate for a minor if the court has jurisdiction to make an initial child custody determination under the Uniform Child Custody Jurisdiction and Enforcement Act. (Chapter 125A of NRS)

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

Section 1. Chapter 159A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. A guardian appointed in this State may petition the court to transfer the jurisdiction of the guardianship to another state. Notice of the petition must be given to the persons that would be entitled to notice of a petition in this State for the appointment of a guardian.*

2. The court shall issue an order provisionally granting the petition to transfer a guardianship and shall direct the guardian or other interested party to petition for guardianship in the other state if the court finds that:

(a) The protected minor is physically present in, or is reasonably expected to move permanently to, the other state;

(b) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the best interests of the protected minor; and

(c) The plans for care and services for the protected minor in the other state are in the best interests of the protected minor.

3. The court shall issue a final order confirming the transfer and terminating the guardianship upon a petition for termination pursuant to NRS 159A.1905 or 159A.191 and filing of a provisional order accepting the proceeding from the court to which the proceeding is to be transferred.

Sec. 3. *1. To transfer jurisdiction of a guardianship to this State, the guardian or other interested party must petition the court of this State for guardianship pursuant to NRS 159A.044 to accept guardianship in this State. The petition must include:*

(a) A certified copy of the other state's provisional order of transfer;

(b) Proof that the protected minor is physically present in, or is reasonably expected to move permanently to, this State;

(c) A copy of one of the forms of identification of the protected minor set forth in paragraph (c) of subsection 2 of NRS 159A.044; and

(d) A copy of one of the forms of identification of the guardian set forth in paragraph (h) of subsection 2 of NRS 159A.044.

2. Upon the filing of a petition, the clerk of the court shall issue a citation setting forth a time and place for a hearing in accordance with NRS 159A.047.

3. Upon completion of the hearing, the court shall issue a provisional order granting a petition filed under subsection 1, unless:

(a) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the best interests of the protected minor; or

(b) The guardian or petitioner is not qualified for appointment as a guardian in this State pursuant to NRS 159A.061.

4. The court shall issue a final order granting guardianship upon filing of a final order issued by the other state terminating proceedings in that state and transferring the proceedings to this State. The court shall determine whether the guardianship needs to be modified to conform to the laws of this State and, if so, order any such modifications.

5. In granting a petition under this section, the court shall recognize a guardianship order from the other state.

Sec. 4. *1. If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this State, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register and the reason for registration, may petition the court to register the guardianship order in this State by filing as a foreign judgment in a court, in any appropriate county of this State:*

(a) Certified copies of the order and letters of office;

(b) A copy of one of the forms of identification of the protected minor set forth in paragraph (c) of subsection 2 of NRS 159A.044; and

(c) A copy of one of the forms of identification of the guardian set forth in paragraph (h) of subsection 2 of NRS 159A.044.

2. Upon the filing of a petition, the clerk of the court shall issue a citation setting forth a time and place for a hearing in accordance with NRS 159A.047.

3. Upon completion of the hearing, if there is no contest to the petition, the court shall issue an order granting a petition filed under subsection 1.

Sec. 5. *1. Upon registration of a guardianship, the guardian may exercise in this State all powers authorized in the order of appointment except as prohibited under the laws of this State, including maintaining actions and proceedings in this State.*

2. A court of this State may grant any relief available under any law of this State to enforce a registered order.

3. A court of this State shall recognize and enforce, but shall not modify, a registered guardianship of a court of another state.

Sec. 6. NRS 159A.018 is hereby amended to read as follows:

159A.018 "Home state" means ~~[the]~~ *:*

1. The state in which the proposed protected minor ~~[was physically present]~~ *lived with a parent or a person acting as a parent* for at least 6 consecutive months, including any temporary absence from the state, immediately before the filing of a petition for the appointment of a guardian.

2. In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state, with a parent or a person acting as a parent.

Sec. 7. NRS 159A.0487 is hereby amended to read as follows:

159A.0487 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for minors whose home state is this State.

2. Guardians of the person or of the person and estate for minors who, although not residents of this State ~~[,]~~ *or whose home state is not this State,* are

physically present in this State and whose welfare *and best interest* requires such an appointment ~~[.]~~ *pursuant to chapter 125A of NRS.*

3. *Guardians of the person, of the estate, or of the person and estate for minors if the court otherwise has jurisdiction to make an initial child custody determination pursuant to NRS 125A.305.*

4. Guardians of the estate for nonresident minors who have property within this State.

~~[4.]~~ *5.* Guardians ad litem.

Sec. 8. This act becomes effective on July 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 190 to Senate Bill No. 8 adds new language to section 7 of the bill authorizing a court to appoint a guardian of the person, guardian of the estate or of the person and estate for a minor if the court has jurisdiction to make an initial child custody decision under the Uniform Child Custody Jurisdiction and Enforcement Act.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 175.

SUMMARY—Provides for the collection of certain data relating to health care. (BDR 40-415)

AN ACT relating to health care; authorizing the Patient Protection Commission to request certain reports from a state or local governmental entity; requiring the Department of Health and Human Services to establish an all-payer claims database containing information relating to health insurance claims for benefits provided in this State; requiring certain insurers to submit data to the database; authorizing certain additional insurers to submit data to the database; providing for the release and use of data in the database under certain circumstances; requiring the Department to publish a report on the quality and cost of health care using data from the database; requiring the Department to submit certain other reports concerning the database to the Legislature; providing immunity from civil and criminal liability for certain persons and entities; authorizing the imposition of administrative penalties and other administrative sanctions for violations of certain requirements concerning the database; prescribing authorized uses for certain administrative penalties; requiring the Department to compile a report containing an inventory of certain data; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Patient Protection Commission, which is made up of certain stakeholders in the delivery of health care. (NRS 439.908) Existing law requires the Commission to systematically review issues related to the

health care needs of residents of this State and the quality, accessibility and affordability of health care. (NRS 439.916) Existing law: (1) authorizes the Executive Director of the Commission to request any information maintained by a state agency that is necessary for the performance of his or her duties; and (2) prohibits the Executive Director from disclosing confidential information obtained from a state agency to any person or entity, including the Commission or a member thereof. (NRS 439.914) Section 1 of this bill additionally authorizes the Commission to request not more than two reports each year concerning certain issues relating to health care from a state or local governmental entity. Section 1 requires any ~~[data contained in such a report to be presented in a manner that complies with applicable privacy laws.]~~ governmental entity that receives such a request to submit the report to provide the report to the Executive Director of the Commission and a copy of the report to the Attorney General, to the extent that the entity has resources to compile the report and disclosure of the information requested would not violate the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

Existing law provides for the collection and maintenance of data and the issuance of reports concerning: (1) the prices of prescription drugs for the treatment of diabetes and asthma; and (2) cancer. (NRS 439B.600-439B.695, 457.230-457.280) Section 9 of this bill requires the Department of Health and Human Services to establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State. Sections 3-8.5 of this bill define terms relevant to the all-payer claims database. Section 9 : (1) requires the Department to adopt regulations to establish an advisory committee to make recommendations concerning the collection, analysis and reporting of data in the database, secure access to such data and the release of such data; and (2) authorizes the Department to establish an advisory committee to assist the Department in establishing and maintaining the database. Section 10 of this bill requires any public or private insurer that provides health benefits and is regulated under state law , with certain exceptions, to submit data to the database. Section 10 also authorizes certain insurers that are regulated under federal law to submit data to the database. Section 10 requires any entity submitting information to the database to remove information that can be used to directly identify a patient and instead assign a unique identifier that can be used to track data pertaining to a specific patient without identifying the patient.

Sections 11 and 19 of this bill provide for the confidentiality of the data contained in the database. Section 12 of this bill requires a person or entity that wishes to obtain data from the database to submit a request to the Department. Section 13 of this bill ~~[prescribes the conditions under which such a request may be granted, which : (1) differ depending on the sensitivity of the data requested; and (2) include the payment of a fee.]~~ : (1) authorizes the Department to access and use information in the database; and (2) requires the

Department to release the information in the database to the Attorney General for purposes relating to unfair or deceptive trade practices. Section 13 authorizes the release from the database of: (1) de-aggregated data to certain governmental entities or an entity that submits information to the database pursuant to section 10; or (2) aggregated data to other persons and entities. Section 13 also prohibits a person or entity to whom data is released from using or disclosing the data in ~~[certain circumstances.]~~ a manner not specified in the request made by the person or entity. Section 13 requires any published document that contains or uses data from the database to contain certain information. Section 14 of this bill requires the Department to publish a report at least annually concerning the quality, efficiency and cost of health care in this State using data from the database. Sections 15 and 21 of this bill require the Department to submit certain reports to the Legislature concerning the establishment, operation and funding of the database.

Section 16 of this bill provides an exemption from civil and criminal liability to: (1) a person or entity that provides information to the Department, including data submitted to the database, in good faith; and (2) the Department and its members, officers and employees for failing to provide data from the database or providing incorrect data from the database. Section 17 of this bill requires the Department to adopt regulations necessary for the establishment and maintenance of the database. Section 17 requires such regulations to establish administrative penalties to be imposed against ~~[: (1) an insurer that fails to submit data to the database; and (2) any person or entity that accesses, maintains, uses or discloses data from the database in an unauthorized manner.]~~ persons and entities that fail to comply with provisions of law or regulations governing the database. Section 17 authorizes the Department to use those administrative penalties to: (1) maintain the all-payer claims database and the program to collect and maintain data concerning prescription drugs; and (2) establish and carry out programs to educate patients concerning ways to reduce the cost of health care and prescription drugs. Section 18 of this bill authorizes the use of administrative penalties collected for failure to comply with requirements to provide certain information relating to prescription drugs for similar purposes. Section 19.5 of this bill also authorizes the Commissioner of Insurance to refuse to continue, suspend, limit or revoke an insurer's certificate of authority for failure to comply with provisions of law or regulations governing the database.

Section 20 of this bill requires the Department of Health and Human Services and the Division of Insurance of the Department of Business and Industry to develop and submit to the Patient Protection Commission and the Legislature a report containing an inventory of certain types of data reported to the Department of Health and Human Services or the Division of Insurance of the Department of Business and Industry.

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

Section 1. NRS 439.916 is hereby amended to read as follows:

439.916 1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:

(a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.

(b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.

(c) Examining the cost of health care and the primary factors impacting those costs.

(d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.

(e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.

(f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.

(g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.

(h) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.

(i) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:

(1) The use of purchasing pools to decrease the cost of health care;

(2) Increasing transparency concerning the cost or provision of health care;

(3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;

(4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;

(5) Resolving problems relating to the billing of patients for medical services;

(6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and

(7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.

(j) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.

(k) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.

(l) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.

2. *The Commission may request that any state or local governmental entity submit ~~[a report]~~ not more than two reports each year containing or analyzing information that is not confidential by law concerning the cost of health care, consolidation among entities that provide or pay for health care or other issues related to access to health care. ~~[A]~~ To the extent that a governmental entity from which such a report is requested has the resources to compile the report and the disclosure of the information requested is authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the governmental entity shall provide the report ~~[. Any data contained in such a report must be presented in a manner that complies with relevant state and federal privacy laws, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto.]~~ to the Executive Director of the Commission and submit a copy of the report to the Attorney General.*

3. As used in this section:

(a) "Health carrier" has the meaning ascribed to it in NRS 687B.625.

(b) "Network" has the meaning ascribed to it in NRS 687B.640.

Sec. 2. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. *As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to ~~[8,]~~ 8.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"All-payer claims database" means the all-payer claims database established pursuant to section 9 of this act.*

Sec. 4.5. "Covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 5. *"Direct patient identifier" means data that directly identifies a patient, including, without limitation, a name, telephone number, social security number, number associated with a medical record, health plan beneficiary number ~~[, certificate or license number, vehicle identification~~*

~~*number, serial number, license plate number, Internet address,]*~~ *or electronic mail address* . ~~*[, biometric identifier or photographic image.]*~~

Sec. 6. ~~*[*"Indirect patient identifier" means data that can be used to identify a patient when combined with other information.*]*~~ (Deleted by amendment.)

Sec. 7. *"Proprietary financial information" means data that discloses or allows the determination of:*

1. A specific term of a contract, discount or other agreement between any or all of a provider of health care , ~~*[or]*~~ *a health facility* ~~*[and]*~~ , *a manufacturer of prescription drugs and an entity described in section 10 of this act; or*

2. An internal fee schedule or other unique pricing mechanism used by a provider of health care, a health facility or an entity described in section 10 of this act.

Sec. 8. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 8.5. "Unique identifier" means an identifier that is guaranteed to be unique for a patient and can be used to track information relating to the patient but is not a direct patient identifier.

Sec. 9. *1. The Department shall establish an all-payer claims database of information relating to health insurance claims resulting from medical, dental or pharmacy benefits provided in this State.*

2. The Department shall:

(a) Establish a secure process for uploading data to the database pursuant to section 10 of this act. When establishing that process, the Department shall consider the time and cost incurred to upload data to the database.

(b) Establish and carry out a process to review the data submitted to the database to:

(1) Ensure the accuracy of the data and the consistency of records; and

(2) Identify and remove duplicate records.

~~*[(c) Assign an identifier to each patient represented in the database. The identifier must allow a person who receives data from the database that does not contain direct patient identifiers or indirect patient identifiers to identify data concerning the patient without identifying the patient.]*~~

3. The Department ~~*[may establish an]*~~ :

(a) Shall adopt regulations to establish an advisory committee to make recommendations to the Department concerning the collection, analysis and reporting of data in the all-payer claims database, secure access to such data and the release of such data pursuant to sections 3 to 17, inclusive, of this act.

(b) May adopt regulations to establish any other advisory committee if necessary to assist the Department in carrying out the provisions of sections 3 to 17, inclusive, of this act . ~~*[, including, without limitation, an advisory committee concerning the maintenance and release of data.]*~~

4. The membership of any advisory committee established pursuant to ~~*[this section]*~~ *subsection 3 must include, without limitation, representatives of providers of health care, health facilities, health authorities, as defined in*

NRS 439.005, health maintenance organizations, private insurers, nonprofit organizations that represent consumers of health care services and each of the two entities that submit data concerning the largest number of claims to the database.

Sec. 10. *1. ~~[Each]~~ Except as otherwise provided in this section, each health carrier, governing body of a local governmental agency that provides health insurance through a self-insurance reserve fund pursuant to NRS 287.010 or entity required by the regulations adopted pursuant to section 17 of this act to submit data to the database and the Public Employees' Benefits Program shall submit to the all-payer claims database the data prescribed by the Department pursuant to section 17 of this act ~~[.]~~ in the format prescribed by the Department pursuant to that section. The provisions of this subsection do not apply to:*

(a) An issuer of insurance that only provides limited-scope dental or vision benefits or coverage that is only for a specified disease or illness, with respect to such coverage;

(b) An issuer of a Medicare supplemental policy, with respect to such a policy; or

(c) Any health carrier or other entity that provides health coverage to a total of less than 1,000 residents of this State.

2. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or the administrator of a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) are not required but may submit to the all-payer claims database the data prescribed by the Department pursuant to section 17 of this act.

3. Before submitting data to the all-payer claims database pursuant to subsection 1 or 2, an entity described in either of those subsections shall:

(a) Remove all direct patient identifiers from the data; and

(b) Assign a unique identifier to all data concerning a specific patient.

4. As used in this section ~~[, "health]~~ :

(a) Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner of Insurance, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.

(b) "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 11. *1. Except as otherwise provided in subsection 3 and section 13 of this act, data contained in the all-payer claims database is confidential and is not a public record or subject to subpoena.*

2. The Department shall ~~[ensure that data is submitted to, stored in and released from the all-payer claims database in a secure manner that complies with all applicable federal and state laws concerning the privacy of data including, without limitation,]~~ comply with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto ~~[.]~~ as if the Department were a covered entity maintaining protected health information, as defined in 45 C.F.R. § 160.103, with regard to the collection of data pursuant to section 10 of this act, the storage of data in the all-payer claims database and the procedures for releasing data from the all-payer claims database pursuant to section 13 of this act.

3. To the extent authorized by federal law, the Department may use data contained in the all-payer claims database in any proceeding to enforce the provisions of sections 3 to 17, inclusive, of this act.

Sec. 12. *To obtain data from the all-payer claims database ~~[,]~~ pursuant to subsection 3 of section 13 of this act, a person or entity must submit a request to the Department. The request must include, without limitation:*

1. A description of the data the person or entity wishes to receive;

2. The purpose for requesting the data;

3. A description of the proposed use of the data, including, without limitation:

(a) The methodology of any study that will be conducted and any variables that will be used; and

(b) The names of any persons or entities to whom the applicant plans to disclose data from the all-payer claims database and the reasons for the proposed disclosure;

4. The measures that the requester plans to take to ensure the security of the data and prevent unauthorized use of the data in accordance with section 13 of this act and the regulations adopted pursuant to section 17 of this act; and

5. The method by which the data will be stored, destroyed or returned to the Department at the completion of the activities for which the data will be used.

Sec. 13. *1. The Department or any Division thereof may ~~[release]~~ access and use data from the all-payer claims database ~~[that contains direct patient identifiers, indirect patient identifiers, proprietary financial information or any combination thereof to a person or entity approved by the Department that:~~*

~~(a) Is conducting research that has been approved by an institutional review board and is designed to:~~

~~(1) Assist patients, providers and hospitals to make informed choices concerning care;~~

~~(2) Enable providers, hospitals or communities to improve performance by allowing comparison with other providers, hospitals or communities, as applicable;~~

~~(3) Enable purchasers of health care services to identify value, build expectations into purchasing strategies and reward improvements over time; or~~

~~(4) Promote competition among providers, hospitals or insurers based on quality and cost;~~

~~(b) Has executed an agreement with the Department to keep data containing direct patient identifiers absolutely confidential and an agreement with the Department concerning the use of the data that meets the requirements of subsection 6; and~~

~~(c) Has submitted a request that meets the requirements of section 12 of this act and the fee prescribed pursuant to section 17 of this act.~~

~~2. In addition to persons and entities who meet the requirements of subsection 1, the Department may release data from the all-payer claims database that contains proprietary financial information, indirect patient identifiers or any combination thereof but does not contain direct patient identifiers to a governmental entity approved by the Department that has:~~

~~(a) Executed an agreement with the Department concerning the use of the data that meets the requirements of subsection 6; and~~

~~(b) Submitted a request that meets the requirements of section 12 of this act and the fee prescribed pursuant to section 17 of this act.~~

~~3. The Department may release data from the all-payer claims database that contains indirect patient identifiers but does not contain direct patient identifiers or proprietary financial information to any person or entity approved by the Department that has:~~

~~(a) Executed an agreement with the Department concerning the use of the data that meets the requirements of subsection 6; and~~

~~(b) Submitted a request that meets the requirements of section 12 of this act and the fee prescribed pursuant to section 17 of this act.~~

~~4.~~ for any purpose.

2. The Department shall release data from the all-payer claims database to the Attorney General upon request for the purpose of enforcing the provisions of chapters 598 and 598A of NRS.

3. Except as otherwise provided in subsection 4, the Department may release data from the all-payer claims database that does not contain ~~[direct patient identifiers, indirect patient identifiers or]~~ proprietary financial information ~~[to a]~~ :

(a) In de-aggregated form with unique identifiers upon the submission of a request that meets the requirements of section 12 of this act to:

(1) A state or federal governmental entity, including, without limitation, a college or university within the Nevada System of Higher Education; or

(2) Any entity that submits data to the database pursuant to section 10 of this act.

(b) In aggregated form to any person or entity approved by the Department that has submitted a request that meets the requirements of section 12 of this act . ~~[and the fee prescribed pursuant to section 17 of this act.~~

~~*5. A governmental entity that receives data that contains proprietary financial information pursuant to subsection 2 shall not use that data for any purpose related to the purchase or procurement of benefits for employees.*~~

~~*6. An agreement concerning the use of data from the all-payer claims database executed pursuant to subsection 1, 2 or 3 must include, without limitation:*~~

~~*(a) Required measures for the recipient of the data to protect the security of data containing direct patient identifiers, indirect patient identifiers or proprietary financial information, as applicable;*~~

~~*(b) A prohibition on disclosure of data containing direct patient identifiers, indirect patient identifiers or proprietary financial information, as applicable, by the recipient of the data under circumstances other than those described in subsection 7;*~~

~~*(c) A prohibition on the recipient of the data determining or attempting to determine the identity of any person whom the data concerns or locating or attempting to locate data associated with a specific natural person; and*~~

~~*(d) A requirement that the recipient of the data destroy the data or return the data to the Department at the conclusion of the authorized use of the data.*~~

~~*7.]*~~

4. The Department shall not release data from the all-payer claims database in any form to any entity that is required or authorized to submit data to the all-payer claims database pursuant to section 10 of this act and fails to submit substantially complete data in accordance with the regulations adopted pursuant to section 17 of this act.

5. A person or entity that receives data from the all-payer claims database pursuant to this section ~~*[shall not:*~~

~~*(a) Disclose direct patient identifiers, indirect patient identifiers or proprietary financial information; or*~~

~~*(b) Disclose]*~~ *:*

(a) Shall comply with any regulations of the Department adopted pursuant to section 17 of this act.

(b) Shall not disclose or use the data in any manner other than as described in the request submitted pursuant to section 12 of this act.

6. The Department shall notify each person or entity to whom data is released pursuant to subsection 3 of the percentage of residents of this State who have health coverage for which data was submitted to the all-payer claims database for the time period to which the released data pertains. Any published document that contains or uses data from the all-payer claims database, including, without limitation, the report published by the Department pursuant to section 14 of this act, must state the percentage of residents of this State who have health coverage for which data was submitted to the database for the time period to which the data contained in or used by the published document pertains.

Sec. 14. *1. The Department shall, at least annually, publish a report concerning the quality, efficiency and cost of health care in this State based*

on the data in the all-payer claims database. Such a report must be peer-reviewed by entities that submit data pursuant to section 10 of this act before the report is released. The Department shall submit the report to:

(a) The Governor;

(b) The Patient Protection Commission created by NRS 439.908; and

(c) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the next regular session of the Legislature.

2. A report published pursuant to subsection 1 must, where feasible, separate data by demographics, income, health status and the geography of, and the language spoken by, patients to assist in the identification of variations in the efficiency and quality of care.

3. Any comparison of cost among providers of health care or health care systems presented in a report published pursuant to subsection 1 must account for differences in costs attributable to populations served, severity of illness, subsidies for uninsured patients and recipients of Medicaid and Medicare and expenses for educating providers of health care, where applicable.

4. A report published pursuant to subsection 1 must not:

(a) Contain ~~[direct patient identifiers, indirect patient identifiers or]~~ proprietary financial information. Such a report may contain data concerning aggregate costs calculated using proprietary financial information if the manner in which the data is displayed does not disclose proprietary financial information.

(b) Include in any comparison of the performance of providers of health care information concerning a provider of health care who is a solo practitioner or practices in a group of fewer than four providers.

5. A report published pursuant to subsection 1 must not contain information identified as relating to a specific provider of health care, health facility or entity that submits data pursuant to section 10 of this act unless the provider of health care, health facility or entity to which the information pertains is allowed to view the report before publication, request corrections of any errors in the information and comment on the reasonableness of the conclusions of the report.

6. On or before October 31 of each year, the Department shall publish on an Internet website maintained by the Department a list of reports the Department intends to publish pursuant to this section during the next calendar year. The Department may solicit public comment concerning that list.

Sec. 15. *1. On or before December 31 of each even-numbered year, the Department shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the cost, performance and effectiveness of the all-payer claims database and any recommendations to improve the all-payer claims database.*

2. On or before July 1 and December 31 of each year, the Department shall:

(a) Compile a report of any grants received by the Department to carry out the provisions of sections 3 to 17, inclusive, of this act; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) On December 31 of an even-numbered year, the next regular session of the Legislature; and

(2) In all other cases, the Interim Finance Committee.

Sec. 16. *1. No person or entity providing information to the Department, including, without limitation, data submitted to the all-payer claims database in accordance with sections 3 to 17, inclusive, of this act, may be held liable in a civil or criminal action for disclosing confidential information unless the person or entity has done so in bad faith or with malicious purpose.*

2. The Department and its members, officers and employees are not liable in any civil or criminal action for any damages resulting from any act, omission, error or technical problem that causes incorrect information from the all-payer claims database to be provided to any person or entity.

Sec. 17. *1. The Department shall adopt regulations that prescribe:*

(a) The data that must be ~~[uploaded]~~ submitted to the all-payer claims database pursuant to section 10 of this act ~~[and]~~ , the format for submitting such data and the date by which such data must be submitted. ~~[Such data must include, without limitation:~~

~~(1) A reasonable estimate of the aggregate amount of all rebates, including, without limitation, price protection rebates, performance-based rebates, fees and administrative costs and any other negotiated price concessions or payments that reduce liability for prescription drugs, received directly or indirectly from manufacturers of prescription drugs for pharmacy claims in this State during each calendar year by:~~

~~(I) Each entity required by section 10 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database; and~~

~~(II) Each pharmacy benefit manager under contract with such an entity;~~

~~(2) The average total amount spent by a patient covered by each plan offered by an entity required by section 10 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database on premiums and cost sharing, including, without limitation, deductibles, copayments and coinsurance, during each calendar year;~~

~~(3) The deductible for each plan offered by an entity required by section 10 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database;~~

~~(4) The amount of any copayment or coinsurance for items and services prescribed by the Department for each plan offered by an entity required by~~

~~*section 10 of this act or the regulations adopted pursuant to paragraph (a) of subsection 2 to upload data to the all-payer claims database; and*~~

~~*(5) Additional data concerning medical claims, pharmacy claims and dental claims chosen by the Department.*~~

~~*(b) Fees for obtaining data from the database pursuant to section 13 of this act. Such fees must be calculated to cover the costs incurred by the Department to carry out the provisions of sections 3 to 17, inclusive, of this act.*~~

~~*(c)]*~~ *Those regulations must align with applicable nationally and regionally recognized standards for all-payer claims databases, where applicable and to the extent that those standards do not conflict with each other or the provisions of sections 3 to 17, inclusive, of this act.*

(b) The privacy and security of data maintained in the all-payer claims database and the procedure for releasing data from the all-payer claims database pursuant to subsection 3 of section 13 of this act, which must ensure compliance with subsection 2 of section 11 of this act.

(c) The use of data released from the all-payer claims database, including, without limitation, requirements concerning the reporting and publication of information from the database.

(d) Administrative penalties to be assessed against ~~*[:*~~

~~*(1) Any person or entity described in subsection 1 of section 10 of this act who fails to submit data to the all-payer claims database as required by that section;*~~

~~*(2) Any person or entity who accesses or discloses data contained in the all-payer claims database in violation of sections 3 to 17, inclusive, of this act; and*~~

~~*(3) Any person or entity to whom data is disclosed pursuant to section 13 of this act who uses, maintains or discloses such data for an unauthorized purpose.]*~~ *any person or entity who violates any provision of sections 3 to 17, inclusive, of this act or the regulations adopted pursuant thereto. Any penalties for the failure to comply with the requirements of section 10 of this act or the regulations adopted pursuant to this section concerning the submission of data to the all-payer claims database must not exceed $5,000 for each day of such failure.*

2. The Department may adopt:

(a) Regulations that require entities that provide health coverage in this State, in addition to the entities required by section 10 of this act ~~*[,]*~~ *but not including entities exempt from reporting pursuant to subsection 1 of that section, to upload data to the all-payer claims database; and*

(b) Any other regulations necessary to carry out the provisions of sections 3 to 17, inclusive, of this act.

3. The Department may:

(a) Enter into any contract or agreement necessary to carry out the provisions of sections 3 to 17, inclusive, of this act; and

(b) Accept any gifts, grants and donations for the purpose of carrying out the provisions of sections 3 to 17, inclusive, of this act.

4. Any contract or agreement entered into pursuant to paragraph (a) of subsection 3 must:

(a) Prohibit the contractor from collecting data containing direct patient identifiers or using data for any purpose not specified by the contract; and

(b) Require the contractor to:

(1) Obtain certification by the HITRUST Alliance or its successor organization and maintain such certification for the term of the contract;

(2) Comply with the requirements of subsection 2 of section 11 of this act to the same extent as the Department; and

(3) Comply with any applicable standards prescribed by the National Institute of Standards and Technology of the United States Department of Commerce.

5, Any money collected as administrative penalties under the regulations adopted pursuant to this section must be accounted for separately and used by the Department to:

(a) Carry out the provisions of NRS 439B.600 to 439B.695, inclusive, and sections 3 to 17, inclusive, of this act; and

(b) Establish and carry out programs to educate patients concerning ways to reduce the cost of health care and prescription drugs.

~~*[5. As used in this section, "pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.]*~~

Sec. 18. NRS 439B.695 is hereby amended to read as follows:

439B.695 1. If a pharmacy that is licensed under the provisions of chapter 639 of NRS and is located within the State of Nevada fails to provide to the Department the information required to be provided pursuant to NRS 439B.655 or fails to provide such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the pharmacy an administrative penalty of not more than $500 for each day of such failure.

2. If a manufacturer fails to provide to the Department the information required by NRS 439B.635, 439B.640 or 439B.660, a pharmacy benefit manager fails to provide to the Department the information required by NRS 439B.645, a nonprofit organization fails to post or provide to the Department, as applicable, the information required by NRS 439B.665 or a manufacturer, pharmacy benefit manager or nonprofit organization fails to post or provide, as applicable, such information on a timely basis, and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the manufacturer, pharmacy benefit manager or nonprofit organization, as applicable, an administrative penalty of not more than $5,000 for each day of such failure.

3. If a pharmaceutical sales representative fails to comply with the requirements of NRS 439B.660, the Department may impose against the pharmaceutical sales representative an administrative penalty of not more than $500 for each day of such failure.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to ~~[establish]~~ *:*

(a) Carry out the provisions of NRS 439B.600 to 439B.695, inclusive, and sections 3 to 17, inclusive, of this act; and

(b) Establish and carry out programs to ~~[provide]~~ *:*

(1) Educate patients concerning ways to reduce the cost of health care and prescription drugs; and

(2) Provide education concerning asthma and diabetes and prevent those diseases.

Sec. 19. 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 11 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. 19.5. NRS 680A.200 is hereby amended to read as follows:

680A.200 1. Except as otherwise provided in NRS 616B.472, the Commissioner may refuse to continue or may suspend, limit or revoke an insurer's certificate of authority if the Commissioner finds after a hearing thereon, or upon waiver of hearing by the insurer, that the insurer has:

(a) Violated or failed to comply with any lawful order of the Commissioner;

(b) Conducted business in an unsuitable manner;

(c) Willfully violated or willfully failed to comply with any lawful regulation of the Commissioner; or

(d) Violated any provision of this Code other than one for violation of which suspension or revocation is mandatory.

➥ In lieu of such a suspension or revocation, the Commissioner may levy upon the insurer, and the insurer shall pay forthwith, an administrative fine of not more than $2,000 for each act or violation.

2. Except as otherwise provided in chapter 696B of NRS, the Commissioner shall suspend or revoke an insurer's certificate of authority on any of the following grounds if the Commissioner finds after a hearing thereon that the insurer:

(a) Is in unsound condition, is being fraudulently conducted, or is in such a condition or is using such methods and practices in the conduct of its business as to render its further transaction of insurance in this State currently or prospectively hazardous or injurious to policyholders or to the public.

(b) With such frequency as to indicate its general business practice in this State:

(1) Has without just cause failed to pay, or delayed payment of, claims arising under its policies, whether the claims are in favor of an insured or in favor of a third person with respect to the liability of an insured to the third person; or

(2) Without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to secure full payment or settlement of such claims.

(c) Refuses to be examined, or its directors, officers, employees or representatives refuse to submit to examination relative to its affairs, or to produce its books, papers, records, contracts, correspondence or other documents for examination by the Commissioner when required, or refuse to perform any legal obligation relative to the examination.

(d) Except as otherwise provided in NRS 681A.110, has reinsured all its risks in their entirety in another insurer.

(e) Has failed to pay any final judgment rendered against it in this State upon any policy, bond, recognizance or undertaking as issued or guaranteed by it, within 30 days after the judgment became final or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

3. *In addition to the grounds specified in subsections 1 and 2, the Commissioner may refuse to continue or may suspend, limit or revoke an insurer's certificate of authority if the Commissioner finds after a hearing thereon, or upon waiver of hearing by the insurer, that the insurer has failed to comply with any provision of sections 3 to 17, inclusive, of this act, if applicable, or any applicable regulation adopted pursuant thereto.*

4. The Commissioner may, without advance notice or a hearing thereon, immediately suspend the certificate of authority of any insurer as to which proceedings for receivership, conservatorship, rehabilitation or other delinquency proceedings have been commenced in any state by the public officer who supervises insurance for that state.

~~[4.]~~ 5. No proceeding to suspend, limit or revoke a certificate of authority pursuant to this section may be maintained unless it is commenced by the giving of notice to the insurer within 5 years after the occurrence of the charged

act or omission. This limitation does not apply if the Commissioner finds fraudulent or willful evasion of taxes.

Sec. 20. On or before July 1, 2022, the Department of Health and Human Services shall, in consultation with the Division of Insurance of the Department of Business and Industry:

1. Develop a report containing an inventory of each category of data reported to the Department of Health and Human Services or the Division of Insurance of the Department of Business and Industry that could be used to analyze trends in the cost of health care, consolidation among entities that provide or pay for health care , disparities in access to health care or health outcomes related to race, ethnicity or social determinants of health or other issues related to access to health care; and

2. Submit the report to the Patient Protection Commission created by NRS 439.908 and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.

Sec. 21. 1. On or before December 1, 2021, and December 1, 2022, the Department of Health and Human Services shall:

(a) Develop a report concerning the implementation of sections 3 to 17, inclusive, of this act, including, without limitation, the cost of implementing the all-payer claims database and the technical progress made toward full implementation of the all-payer claims database; and

(b) Submit the report to the Patient Protection Commission created by NRS 439.908 and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In 2021, the Legislative Committee on Health Care and the Interim Finance Committee.

(2) In 2022, the next regular session of the Legislature.

2. As used in this section, "all-payer claims database" has the meaning ascribed to it in section 4 of this act.

Sec. 21.5. 1. The Department of Health and Human Services shall not release any data from the all-payer claims database pursuant to subsection 3 of section 13 of this act until 6 months after the approval by the Legislative Commission or the Subcommittee to Review Regulations pursuant to NRS 233.067 of regulations adopted pursuant to section 17 of this act relating to the collection, privacy and security of data.

2. As used in this section, "all-payer claims database" has the meaning ascribed to it in section 4 of this act.

Sec. 22. 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. 23. 1. This section becomes effective upon passage and approval.

2. Sections 1, 18, 20, 21 , 21.5 and 22 of this act become effective on July 1, 2021.

3. Sections 2 to 17, inclusive, ~~[and]~~ 19 and 19.5 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations 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.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 175 makes numerous changes to Senate Bill No. 40. It requires health insurers to remove all direct patient identifiers and assign a unique identifier to all data concerning a specific patient prior to submitting it to the All-Payer Claims Database (APCD). It requires DHHS to comply with the federal Health Insurance Portability and Accountability Act (HIPAA) as if it were a covered entity maintaining protected health information with regard to data collection, storage and release from APCD. It revises provisions related to data access to limit the release of de-aggregated data from APCD to certain governmental entities and entities that submit data. These include the Department, the Attorney General, for the purpose of enforcing chapters 598 and 598A of NRS, a State or federal governmental entity, including a college or university within the NSHE, any entity that submits data to APCD. It requires DHHS to adopt regulations establishing an advisory committee to make recommendations to the Department regarding data collection, analysis and reporting and authorizes DHHS to establish another advisory committee if necessary. It exempts certain health insurers from the requirement to submit data to APCD, i.e., disease-specific, Medicare supplemental policies, health carriers with fewer than 1,000 covered residents of Nevada. It also establishes penalties for health insurers that do not comply with data submission requirements, including an administrative penalty of up to $5,000 per day or suspension of a health insurer's certificate of authority. It clarifies data security requirements of any contract or agreement with a third party to establish or maintain APCD.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 75.

Bill read second time.

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

Amendment No. 104.

SUMMARY—Revises provisions relating to unemployment compensation. (BDR 53-349)

AN ACT relating to unemployment compensation; revising provisions relating to ~~[unemployment contribution rates; revising the base period for determining entitlement to unemployment benefits;]~~ 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 calendar year 2020; 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 ~~[separates the contribution rates of employers into a number of classes. The]~~ requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation ~~[is required to prescribe annually a contribution rate schedule that determines how each employer will be classified. (NRS 612.550) Section 14 of this bill requires employers to be distributed among the contribution rate classes in such a manner that the average overall employer contribution rate is a certain percentage calculated in a method prescribed by section 1 of this bill.~~

~~To be eligible for unemployment benefits, a person is required to have been paid a certain amount of wages during a specified period of time referred to as the person's "base period." (NRS 612.375) Section 2 of this bill revises the definition of the term "base period" to remove provisions providing for the use of an alternative base period for persons who would otherwise be ineligible for unemployment benefits.]~~ 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 of this bill revise and remove 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. 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 ~~[, 15, 17 and 18]~~ 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) 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, 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.

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

Section 1. ~~[Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. As used in this section:*~~

~~*(a) "Average actual contribution rate" means the total contributions paid by employers in a calendar year divided by the total taxable wages in that year.*~~

~~*(b) "Average high-cost rate" means the average of the three highest total benefit cost rates for individual calendar years in a period that is at least 20 years or which includes at least three monthly economic cycle peaks as determined by the National Bureau of Economic Research, whichever period is longer.*~~

~~*(c) "Federal advance" has the meaning ascribed to it in NRS 612.6114.*~~

~~*(d) "Net average high-cost multiple" means the net trust fund balance divided by the trust fund adequacy level.*~~

~~*(e) "Net trust fund balance" means the total amount of money available in the State's account in the Unemployment Trust Fund of the United States*~~

~~*Treasury minus the balance of any federal advance outstanding as of June 30 of a calendar year.*~~

~~*(f) "Taxable benefit cost rate" means the total benefits paid pursuant to this chapter divided by the total taxable wages for the same period.*~~

~~*(g) "Total benefit cost rate" means the total benefits paid pursuant to this chapter divided by the total wages for the same period.*~~

~~*(h) "Total taxable wages" means the total wages for contributing employers subject to the payment of unemployment contributions computed pursuant to subsection 1 of NRS 612.545 for a consecutive 12-month period.*~~

~~*(i) "Total wages" means the total of all wages reported by employers subject to this chapter for a consecutive 12-month period.*~~

~~*(j) "Trust fund adequacy level" means the average high-cost rate multiplied by the total wages as of June 30.*~~

~~*2. Each year, the Administrator shall determine the average overall employer contribution rate in the manner provided by this section for the purposes of distributing eligible employers among the various contribution rates pursuant to subsection 5 of NRS 612.550.*~~

~~*3. By September 30 of each year, the Administrator shall determine:*~~

~~*(a) The net average high-cost multiple for the State as of June 30 of that year.*~~

~~*(b) The taxable benefit cost rate for the 12 months ending on June 30 of that year.*~~

~~*(c) The median taxable benefit cost rate for the 5 immediately preceding calendar years.*~~

~~*(d) The total balance on any federal advance still outstanding as of June 30 of that year.*~~

~~*(e) The net trust fund balance.*~~

~~*(f) The provisional average contribution rate.*~~

~~*4. Except as otherwise provided in subsection 5, the provisional average contribution rate determined pursuant to subsection 3 must be equal to:*~~

~~*(a) If the net average high-cost multiple is less than 1.50, the result obtained by dividing the sum of the following amounts by six:*~~

~~*(1) The taxable benefit cost rate determined by the Administrator pursuant to subsection 3;*~~

~~*(2) The total balance on any federal advance determined by the Administrator pursuant to subsection 3 divided by the total taxable wages for the 12 months ending on June 30; and*~~

~~*(3) The trust fund adequacy level divided by the total taxable wages for the 12 months ending on March 31.*~~

~~*(b) If the net average high-cost multiple is at least 1.50, the result obtained by multiplying the median taxable benefit cost rate for the 5 immediately preceding calendar years by 1.10.*~~

~~*5. If the Administrator determines that the provisional average contribution rate calculated in the manner specified in subsection 4 is:*~~

~~*(a) More than 10 percent higher than the average actual contribution rate in the immediately preceding calendar year, the provisional contribution rate must be equal to the result obtained by multiplying the average actual contribution rate in the immediately preceding calendar year by 1.10.*~~

~~*(b) Less than 90 percent of the average actual contribution rate in the immediately preceding calendar year, the provisional contribution rate must be equal to the result obtained by multiplying the average actual contribution rate in the immediately preceding calendar year by 0.90.*~~

~~*6. Except as otherwise provided in subsection 7, the average overall employer contribution rate must be equal to the provisional average contribution rate determined pursuant to subsection 3.*~~

~~*7. If the Administrator determines that the average overall employer contribution rate is:*~~

~~*(a) More than 3.50 percent, the average overall employer contribution rate must be equal to 3.50 percent.*~~

~~*(b) Less than 0.75 percent, the average overall employer contribution rate must be equal to 0.75 percent.]*~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 612.025 is hereby amended to read as follows:~~

~~612.025 1. Except as otherwise provided in this section and in NRS 612.344, "base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the first day of a person's benefit year, except that if one calendar quarter of the base period so established has been used in a previous determination of the person's entitlement to benefits the base period is the first 4 completed calendar quarters immediately preceding the first day of the person's benefit year.~~

~~2. [If a person is not entitled to benefits using the base period as defined in subsection 1 but would be entitled to benefits if the base period were the last 4 completed calendar quarters immediately preceding the first day of the person's benefit year, "base period" means the last 4 completed calendar quarters immediately preceding the first day of the person's benefit year.~~

~~3.] In the case of a combined wage claim pursuant to the reciprocal arrangements provided in NRS 612.295, the base period is that applicable under the unemployment compensation law of the paying state.]~~ (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 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 ~~[or 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, 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.* 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.* 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.* 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.* All letters, reports or communications of any kind, oral , ~~[or]~~ 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 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) Equaled 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 equaled or exceeded 5 percent; or

(2) Equaled 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) Equaled or exceeded 6.5 percent; and

(2) Equaled 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 ~~[not]~~ 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 ~~[not]~~ 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 ~~[not]~~ 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 ~~[not]~~ 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 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 ~~[.]~~ *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 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. ~~[NRS 612.550 is hereby amended to read as follows:~~

~~"612.550 1. As used in this section:~~

~~(a) "Average actual duration" means the number of weeks obtained by dividing the number of weeks of benefits paid for weeks of total unemployment in a consecutive 12-month period by the number of first payments made in the same 12-month period.~~

~~(b) "Average annual payroll" for each calendar year means the annual average of total wages paid by an employer subject to contributions for the 3 consecutive calendar years immediately preceding the computation date. The average annual payroll for employers first qualifying as eligible employers must be computed on the total amount of wages paid, subject to contributions, for not less than 10 consecutive quarters and not more than 12 consecutive quarters ending on December 31, immediately preceding the computation date.~~

~~(c) "Beneficiary" means a person who has received a first payment.~~

~~(d) "Computation date" for each calendar year means June 30 of the preceding calendar year.~~

~~(e) "Covered worker" means a person who has worked in employment subject to this chapter.~~

~~(f) "First payment" means the first weekly unemployment insurance benefit paid to a person in the person's benefit year.~~

~~(g) "Reserve balance" means the excess, if any, of total contributions paid by each employer over total benefit charges to that employer's experience rating record.~~

~~(h) "Reserve ratio" means the percentage ratio that the reserve balance bears to the average annual payroll.~~

~~(i) "Total contributions paid" means the total amount of contributions, due on wages paid on or before the computation date, paid by an employer not later than the last day of the second month immediately following the computation date.~~

~~[(j) "Unemployment risk ratio" means the ratio obtained by dividing the number of first payments issued in any consecutive 12-month period by the average monthly number of covered workers in employment as shown on the records of the Division for the same 12-month period.]~~

~~2. The Administrator shall, as of the computation date for each calendar year, classify employers in accordance with their actual payrolls, contributions and benefit experience, and shall determine for each employer the rate of contribution which applies to that employer for each calendar year in order to reflect his or her experience and classification. The contribution rate of an employer may not be reduced below 2.95 percent, unless there have been 12 consecutive calendar quarters immediately preceding the computation date throughout which the employer has been subject to this chapter and his or her account as an employer could have been charged with benefit payments, except that an employer who has not been subject to the law for a sufficient period to meet this requirement may qualify for a rate less than 2.95 percent if his or her account has been chargeable throughout a lesser period not less than the 10-consecutive-calendar-quarter period ending on the computation date.~~

~~3. Any employer who qualifies under paragraph (b) of subsection [9] *8* and receives the experience record of a predecessor employer must be assigned the contribution rate of the predecessor.~~

~~4. Benefits paid to a person up to and including the computation date must be charged against the records, for experience rating, of the person's base-period employers in the same percentage relationship that wages reported by individual employers represent to total wages reported by all base-period employers, except that:~~

~~(a) If one of the base-period employers has paid 75 percent or more of the wages paid to the person during the person's base period, and except as otherwise provided in NRS 612.551, the benefits, less a proportion equal to the proportion of wages paid during the base period by employers who make reimbursement in lieu of contributions, must be charged to the records for~~

~~experience rating of that employer. The proportion of benefits paid which is equal to the part of the wages of the claimant for the base period paid by an employer who makes reimbursement must be charged to the record of that employer.~~

~~(b) No benefits paid to a multistate claimant based upon entitlement to benefits in more than one state may be charged to the experience rating record of any employer when no benefits would have been payable except pursuant to NRS 612.295.~~

~~(c) Except for employers who have been given the right to make reimbursement in lieu of contributions, extended benefits paid to a person must not be charged against the accounts of the person's base-period employers.~~

~~5. The Administrator shall, as of the computation date for each calendar year, compute the reserve ratio for each eligible employer and shall classify those employers on the basis of their individual reserve ratios. The contribution rate assigned to each eligible employer for the calendar year must be determined by the range within which the employer's reserve ratio falls. The Administrator shall, by regulation, prescribe the contribution rate schedule to apply for each calendar year by designating the ranges of reserve ratios to which must be assigned the various contribution rates provided in subsection 6. The lowest contribution rate must be assigned to the designated range of highest reserve ratios and each succeeding higher contribution rate must be assigned to each succeeding designated range of lower reserve ratios, except that, within the limits possible, the differences between reserve ratio ranges must be uniform. *The regulations prescribing the contribution rate schedule to apply for a calendar year must distribute eligible employers among the various contribution rates in such a manner that the average contribution rate for all eligible employers is equal to the average overall employer contribution rate determined by the Administrator pursuant to section 1 of this act.*~~

~~6. Each employer eligible for a contribution rate based upon experience and classified in accordance with this section must be assigned a contribution rate by the Administrator for each calendar year according to the following classes:~~

~~Class 1.....0.25 percent~~
~~Class 2.....0.55 percent~~
~~Class 3.....0.85 percent~~
~~Class 4.....1.15 percent~~
~~Class 5.....1.45 percent~~
~~Class 6.....1.75 percent~~
~~Class 7.....2.05 percent~~
~~Class 8.....2.35 percent~~
~~Class 9.....2.65 percent~~
~~Class 10.....2.95 percent~~
~~Class 11.....3.25 percent~~
~~Class 12.....3.55 percent~~

~~Class 13.....3.85 percent~~
~~Class 14.....4.15 percent~~
~~Class 15.....4.45 percent~~
~~Class 16.....4.75 percent~~
~~Class 17.....5.05 percent~~
~~Class 18.....5.40 percent~~

~~7. [On September 30 of each year, the Administrator shall determine:~~

~~(a) The highest of the unemployment risk ratios experienced in the 109 consecutive 12-month periods in the 10 years ending on March 31;~~

~~(b) The potential annual number of beneficiaries found by multiplying the highest unemployment risk ratio by the average monthly number of covered workers in employment as shown on the records of the Division for the 12 months ending on March 31;~~

~~(c) The potential annual number of weeks of benefits payable found by multiplying the potential number of beneficiaries by the highest average actual duration experienced in the 109 consecutive 12-month periods in the 10 years ending on September 30; and~~

~~(d) The potential maximum annual benefits payable found by multiplying the potential annual number of weeks of benefits payable by the average payment made to beneficiaries for weeks of total unemployment in the 12 months ending on September 30.~~

~~8.]~~ The Administrator shall issue an individual statement, itemizing ~~benefits charged during the 12-month period ending on the computation date, total benefit charges, total contributions paid, reserve balance and the rate of contributions to apply for that calendar year, for each employer whose account is in active status on the records of the Division on January 1 of each year and whose account is chargeable with benefit payments on the computation date of that year.~~

~~[9.]~~ *8.* If an employer transfers its trade or business, or a portion thereof, ~~to another employer:~~

~~(a) And there is substantially common ownership, management or control of the employers, the experience record attributable to the transferred trade or business must be transferred to the employer to whom the trade or business is transferred. The rates of both employers must be recalculated, and the recalculated rates become effective on the date of the transfer of the trade or business. If the Administrator determines, following the transfer of the experience record pursuant to this paragraph, that the sole or primary purpose of the transfer of the trade or business was to obtain a reduced liability for contributions, the Administrator shall combine the experience rating records of the employers involved into a single account and assign a single rate to the account.~~

~~(b) And there is no substantially common ownership, management or ncontrol of the employers, the experience record of an employer may be transferred to a successor employer as of the effective date of the change of ownership if:~~

~~(1) The successor employer acquires the entire or a severable and distinct portion of the business, or substantially all of the assets, of the employer;~~

~~(2) The successor employer notifies the Division of the acquisition in writing within 90 days after the date of the acquisition;~~

~~(3) The employer and successor employer submit a joint application to the Administrator requesting the transfer; and~~

~~(4) The joint application is approved by the Administrator.~~

~~The joint application must be submitted within 1 year after the date of issuance by the Division of official notice of eligibility to transfer.~~

~~(c) Except as otherwise provided in paragraph (a), a transfer of the experience record must not be completed if the Administrator determines that the acquisition was effected solely or primarily to obtain a more favorable contribution rate.~~

~~(d) Any liability to the Division for unpaid contributions, interest or forfeit attributable to the transferred trade or business must be transferred to the successor employer. The percentage of liability transferred must be the same as the percentage of the experience record transferred.~~

~~[10.] 9. Whenever an employer has paid no wages in employment for 8 consecutive calendar quarters following the last calendar quarter in which the employer paid wages for employment, the Administrator shall terminate the employer's experience rating account, and the account must not thereafter be used in any rate computation.~~

~~[11.] *10.* The Administrator may adopt reasonable accounting methods to account for those employers which are in a category for providing reimbursement in lieu of contributions.~~

~~[12.] *11.* 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.]~~ (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, ~~*[and section 1 of this act]*~~ 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, ~~*[and section 1 of this act]*~~ 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 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, ~~*[and section 1 of this act]*~~ 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, ~~*[and section 1 of this act,]*~~ 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. ~~[An]~~

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 ~~[or 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 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.

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 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.

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, ~~[2,]~~ *to* 3 ~~[and]~~ *, inclusive,* 5 *and 6* to ~~[19,]~~ *19.5,* inclusive, become effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 104 makes several changes to Senate Bill No. 75. The amendment deletes provisions that propose to establish a new method for calculating the overall employer contribution rate to the Unemployment Compensation Fund and provisions revising the eligibility for unemployment benefits. It clarifies that an educational institution will have the benefits paid charged against the educational institution's records for experience rating or be required to reimburse the Unemployment Compensation Fund, as applicable. It provides that, for the second and third quarters of 2020, all contributory employing units will not have benefits charged against their experience-rating records and reimbursements in lieu of contributions will be reduced as allowed by federal law. It adds a new section to remove the three-year limitation currently applicable to when an employer may apply for a refund relating to a payment of contributions, forfeit or interest which has been erroneously collected by the Employee Security Division (ESD) of DETR.

The amendment also specifies that for adjustments, the three-year limitation still applies, and if the adjustment relates to contributions on wages which have been included in the determination of an eligible claim for benefits, the fault or mistake must be entirely that of the Division. It adds a new section to the bill to clarify that neither the State of Nevada nor a person claiming benefits may be charged fees of any kind in any proceeding concerning unemployment compensation by the Board of Review, administrator of ESD or any court or officer thereof. It adds a new section to the bill to allow extended benefits to be paid without waiting 14 weeks between extended benefit periods, if authorized by the United States Department of Labor; adds a new section to the bill to allow the administrator to fill other attorney positions in ESD outside of registers prepared by the Division of Human Resource Management of the Department of Administration. It revises the effective date of this bill so that the provisions that allow extended benefits to be paid without waiting are retroactive to December 27, 2020.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 218.

SUMMARY—Revises provisions relating to education. (BDR 34-297)

AN ACT relating to education; revising provisions relating to submission and reporting requirements; revising provisions relating to certain advisory councils and committees; renaming the Teachers and Leaders Council of Nevada; ~~[abolishing the Nevada Commission on Mentoring;]~~ abolishing the State Financial Literacy Advisory Council; abolishing the Commission on Educational Technology; abolishing the Competency-Based Education Network; abolishing the Council to Establish Academic Standards for Public Schools; abolishing the Statewide Council for the Coordination of the Regional Training Programs; ~~[abolishing the governing bodies of the regional training programs;]~~ transferring the duties of such abolished commissions, councils ~~[,]~~ and networks ~~[and governing bodies of training programs]~~ to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to submit a plan to improve the achievement of pupils enrolled in public schools in this State each year to certain entities. (NRS 385.111) Section 1 of this bill instead requires the State Board to submit such a plan every 5 years.

Existing law requires a direct supervisor who receives a monthly report of bullying or cyber-bullying incidents to submit a report to the Office for a Safe and Respectful Learning Environment each calendar quarter that includes certain information. (NRS 388.1351) Section 6 of this bill instead requires a direct supervisor to submit such a report semiannually.

Existing law requires the ratio of pupils per licensed teacher in each school district not to exceed a certain amount for each quarter of the school year. Existing law further requires a school district to request a variance from such requirement in certain circumstances for the next quarter of the current school year. Section 10 of this bill instead requires a school district to request such a variance for the entirety of the school year. Existing law also requires the State Board of Education to submit a report on each variance requested by a school district to the Interim Finance Committee each quarter. (NRS 388.700) Section 10 requires the State Board to submit such a report on an annual basis.

Existing law requires the Superintendent of Public Instruction to establish the Advisory Council for Family Engagement, which must include a member of the Senate and a member of the Assembly. (NRS 385.610) Section 3 of this bill removes the requirement to appoint a member of the Senate and the Assembly to the Advisory Council and establishes a quorum for the Advisory Council. Existing law also requires the Superintendent of Public Instruction to establish the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired within the

Department of Education and appoint members to the Committee. (NRS 388.5175) Section 8 of this bill instead requires an advisory panel established pursuant to federal law to appoint members to the Committee and revises the requirements to serve on the Committee.

Existing law requires the Governor to appoint a committee on statewide school safety and requires the committee to evaluate and make recommendations to the Governor and Department of Education regarding certain issues relating to school safety. (NRS 388.1324) Sections 5 and 54 of this bill: (1) instead require the Superintendent of Public Instruction to appoint the committee; (2) eliminate the duty of the committee to report to the Governor; and (3) make the purpose of the committee to provide nonbinding advice and assistance to the Superintendent, State Board and Department in the exercise of their duties regarding school safety. Existing law creates the Teachers and Leaders Council of Nevada and requires the Council to make certain recommendations to the State Board of Education concerning the statewide performance evaluation system for teachers and administrators. (NRS 391.455, 391.460) Sections 30-34, 40 and 47 of this bill change the name of this entity to the Teachers and Leaders Advisory Council of Nevada and clarify that the purpose of the Advisory Council is to provide nonbinding advice and assistance to the Superintendent, State Board and Department of Education in the exercise of their duties. Existing law: (1) creates the Nevada State Teacher Recruitment and Retention Advisory Task Force; (2) requires the Legislative Committee on Education to appoint the members of the Task Force; and (3) requires the Task Force to evaluate and make recommendations to the Legislative Committee on Education regarding the recruitment and retention of teachers. (NRS 391.490-391.496) Sections 35-37 and 59 of this bill: (1) instead require the Superintendent of Public Instruction to appoint the members of the Task Force; (2) require the Task Force to instead make recommendations to the Department of Education and submit an annual report to the Superintendent; and (3) make the purpose of the Task Force to provide nonbinding advice and assistance to the Superintendent, State Board and Department in the exercise of their duties regarding recruitment and retention of teachers.

Existing law requires the State Board of Education to prepare a plan to improve the achievement of pupils enrolled in public school in this State. (NRS 385.111) Section 65 of this bill repeals a requirement that the Department of Education, in conjunction with the State Board of Education, report on the state of public education in this State. (NRS 385.230) Section 7 of this bill makes a conforming change.

Section 4.5 of this bill removes a requirement for the Department of Education to provide administrative support to the Nevada Commission on Mentoring. (NRS 385.760)

Existing law establishes various commissions, councils, networks and governing bodies, including, without limitation, ~~[the Nevada Commission on Mentoring,]~~ the State Financial Literacy Advisory Council, the Commission

on Educational Technology, the Competency-Based Education Network, the Council to Establish Academic Standards for Public Schools ~~[,]~~ and the Statewide Council for the Coordination of the Regional Training Programs . ~~[, and the governing bodies of the regional training programs.]~~ (NRS ~~[385.760, 388.5966,]~~ 388.790, 389.220, 389.510, 391A.130) ~~[, 391A.150)]~~ Section 65 of this bill abolishes those commissions, councils ~~[,]~~ and networks . ~~[and governing bodies.]~~ Sections ~~[53,]~~ 55-58 , 60 and ~~[60]~~ 62 of this bill make conforming changes as a result of the abolition of such entities. Existing law requires the Department of Education to establish a pilot program to provide competency-based education. (NRS 389.200-389.230) Existing law also requires the State Board of Education to adopt regulations prescribing end-of-course examinations. (NRS 390.700) Section 65 abolishes the requirements to establish a pilot program to provide competency-based education and to adopt regulations prescribing end-of-course examinations. Section 16.5 of this bill makes a conforming change relating to end-of-course examinations.

Existing law requires each school district and charter school to enter into cooperative agreements with a community college, state college or university to offer dual credit courses. (NRS 389.300, 389.310) Section 19.5 of this bill authorizes a school district or charter school to enter into a cooperative agreement with a community college, state college or university located outside of this State in certain circumstances. Section 18.5 of this bill makes a conforming change relating to dual credit courses.

Existing law imposes certain duties on the State Financial Literacy Advisory Council, the Commission on Educational Technology, the Council to Establish Academic Standards for Public Schools ~~[,]~~ and the Statewide Council for the Coordination of the Regional Training Programs . ~~[and the governing bodies of the regional training programs.]~~ (NRS 385.635, 388.5968, 388.800, 388.805, 388.810, 388.815, 389.520, 389.525, 389.530, 390.105, 390.115, ~~[391A.120,]~~ 391A.125, 391A.135, 391A.165-391A.190, ~~[391A.210,]~~ 396.5195) Sections 4, ~~[9,]~~ 12-15, 20-22, 25, 26, ~~[39-48]~~ 40-43, 48 and 51 of this bill transfer those duties to the Department of Education. Section 39 of this bill clarifies that the regional training programs serve teachers and administrators who are employed by charter schools in addition to those employed by school districts. Section 49 of this bill transfers certain duties of the State Board of Education to the Department and removes a requirement for the Superintendent of Public Instruction to submit certain reports relating to gifts and grants. Section 41.5 of this bill provides that the employee of the Department of Education serving on the governing body of a regional training program is a voting member. Section 11 of this bill makes a conforming change relating to the Commission on Educational Technology. ~~[Section 19 of this bill makes a conforming change relating to the Competency-Based Education Network.]~~ Sections 2, 16, 18, 23, 24, 27-29, 47 and 52 of this bill make conforming changes relating to the Council to Establish Academic Standards. Sections 1 and 50 of this bill make conforming changes relating to

the Statewide Council for the Coordination of the Regional Training Programs. ~~[Sections 17,]~~ Section 38 ~~[and 49]~~ of this bill ~~[make]~~ makes a conforming ~~[changes]~~ change relating to the governing bodies of the regional training programs.

Existing law requires the Superintendent of Public Instruction and the Department of Education to conduct independent evaluations of certain grants and programs, including, without limitation, grants from the Great Teaching and Leading Fund, Zoom schools, Victory schools, and literacy programs. (NRS 391A.515, sections 1 and 2 of chapter 554, Statutes of Nevada 2019, at pages 3460, 3466, section 15 of chapter 334, Statutes of Nevada 2015, as amended by chapter 634, Statutes of Nevada 2019, at page 4499) Sections 50, 52.3, 52.5 and 52.7 of this bill revise the requirements for such an evaluation. Existing law also requires the Department to submit certain reports relating to the New Nevada Education Funding Plan, Zoom schools and Victory schools. (NRS 387.139, section 1 of chapter 554, Statutes of Nevada 2019, at page 3460) Sections 4.7, 52.3, 52.5 and 52.7 of this bill remove those requirements.

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

Section 1. NRS 385.111 is hereby amended to read as follows:

385.111 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards; *and*

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

~~[(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130, appointed by the Council; and]~~

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120;

(5) The Legislative Bureau of Educational Accountability and Program Evaluation; and

(6) Other persons who the State Board determines are appropriate.

2. On or before March 31 ~~[of each year,]~~ *every 5 years*, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation;

(d) Board of Regents of the University of Nevada;

(e) Board of trustees of each school district; and

(f) Governing body of each charter school.

Sec. 2. NRS 385.114 is hereby amended to read as follows:

385.114 1. Except as otherwise provided in subsections 2 and 3, the State Board shall prescribe and cause to be enforced the courses of study for the public schools of this State. The courses of study prescribed and enforced by the State Board must comply with the standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520.

2. For those courses of study prescribed by the State Board:

(a) High schools may have modified courses of study, subject to the approval of the State Board; and

(b) Any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the State Board.

3. A charter school is not required to offer the courses of study prescribed by the State Board except for those courses of study which are required for promotion to the next grade or graduation from high school.

Sec. 3. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council for Family Engagement ~~[.]~~ *within the Department.* The Advisory Council is composed of ~~[11]~~ *nine* members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more;

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000; and

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. ~~[The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.~~

~~4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.~~

~~5.~~] The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

~~[6.~~] *4.* After the initial terms ~~[~~*,*:

~~(a) The~~] *the* term of each member of the Advisory Council ~~[who is appointed by the Superintendent of Public Instruction]~~ is 3 years.

~~[(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.~~

~~7.~~] *5. A majority of the members of the Advisory Council constitutes a quorum, and a majority of the members present must concur in any decision.*

6. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

~~[8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:~~

~~(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;~~

~~(b) Per diem allowance provided for state officers generally; and~~

~~(c) Travel expenses provided pursuant to NRS 218A.655.~~

~~➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.~~

~~9.~~] *7.* A member of the Advisory Council ~~[who is not a Legislator]~~ is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council ~~[who are not Legislators]~~ must be paid by the Department.

~~[10.~~] *8.* Any costs associated with employing a substitute teacher while a member of the Advisory Council who is a teacher attends a meeting of the Advisory Council must be paid by the school district or charter school that employs the member.

Sec. 4. NRS 385.635 is hereby amended to read as follows:

385.635 1. The Office of Parental Involvement and Family Engagement created by NRS 385.630 shall:

(a) Review and evaluate the programs implemented by the school districts and public schools, including, without limitation, programs which are supported in part with money received from the Federal Government, for carrying out and increasing parental involvement and family engagement in

the public schools. The review and evaluation must include an identification of current strategies and practices for effective parental involvement and family engagement.

(b) Develop a list of practices which have been proven effective in increasing the involvement of parents and the engagement of families in the education of their children, including, without limitation, practices that increase the ability of school districts and public schools to effectively reengage parents and families and provide those parents and families with the skills and resources necessary to support the academic achievement of their children.

(c) Work in cooperation with the ~~[Statewide Council for the Coordination of the Regional Training Programs]~~ *Department* in carrying out the duties of the Office, including, without limitation, the establishment of a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391A.135.

(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:

(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;

(2) Training for parents and families in skills of leadership and volunteerism;

(3) Family literacy training;

(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and

(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.

(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to NRS 385.625 and encourage those school districts which have not established such an advisory council to consider creating an advisory council for the school district.

(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph (g) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385A.650.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385A.070 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385A.650 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and

(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Sec. 4.5. NRS 385.760 is hereby amended to read as follows:

385.760 1. The Nevada Commission on Mentoring is hereby created. The Commission consists of the following 13 members:

(a) One member appointed by the Governor who is a representative of business and industry with a vested interest in supporting mentorship programs in this State.

(b) One member appointed by the Governor who represents an employment and training organization located in this State.

(c) One member appointed by the Governor who is a resident of a county whose population is less than 100,000.

(d) One member who is the superintendent of a school district in a county whose population is 700,000 or more.

(e) One member who is the superintendent of a school district in a county whose population is 100,000 or more but less than 700,000.

(f) One member, who is not a Legislator, appointed by the Majority Leader of the Senate.

(g) One member, who is not a Legislator, appointed by the Speaker of the Assembly.

(h) One member, who is not a Legislator, appointed by the Minority Leader of the Senate.

(i) One member, who is not a Legislator, appointed by the Minority Leader of the Assembly.

(j) Four members appointed to the Commission pursuant to subsection 2.

2. The members of the Commission appointed pursuant to paragraphs (a) to (i), inclusive, of subsection 1 shall, at the first meeting of the Commission, appoint to the Commission four additional voting members:

(a) One of whom must be a member of the state advisory group appointed by the Governor pursuant to 34 U.S.C. § 11133 and operating in this State as the Juvenile Justice Commission under the Division of Child and Family Services of the Department of Health and Human Services;

(b) One of whom must be a representative of business and industry with a vested interest in supporting mentorship programs in this State; and

(c) Two members between the ages of 16 years and 24 years who have a vested interest in supporting mentorship programs in this State.

3. After the initial terms, each member of the Commission appointed pursuant to subsections 1 and 2 serves a term of 2 years. A member of the Commission may be reappointed, except that no member may serve more than two consecutive terms.

4. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Commission for the remainder of the original term of appointment.

5. If a member of the Commission fails to attend two consecutive meetings of the Commission, the Commission shall, within 5 days after the second consecutive meeting that the member fails to attend, provide notice of

that fact, in writing, to the appointing authority who appointed that member. Upon receipt of the notice, the appointing authority shall appoint a person to replace the member in the same manner as filling a vacancy on the Commission pursuant to subsection 4.

6. Each member of the Commission:

(a) Serves without compensation; and

(b) While engaged in the business of the Commission, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[7. The Department shall provide the Commission with such administrative support as is necessary to assist the Commission in carrying out its duties pursuant to NRS 385.780.]~~

Sec. 4.7. NRS 387.139 is hereby amended to read as follows:

387.139 1. The Department shall prescribe school achievement targets and performance targets which must be used by a public school that receives money pursuant to NRS 387.131 to evaluate and track the performance of pupils who receive services pursuant to NRS 387.133. The school achievement targets and performance targets prescribed by the Department must be aligned to the statewide system of accountability for public schools.

2. Each public school that receives money pursuant to NRS 387.131 shall submit, on or before a date prescribed by the board of trustees of the school district in which the public school is located or the sponsor of the charter school, as applicable, a report to the school district or sponsor which uses the school achievement targets and performance targets prescribed by the Department to measure the effectiveness of the public school in providing services pursuant to NRS 387.133.

3. ~~[On or before November 30 of each year, the board of trustees of a school district and the sponsor of a charter school shall gather the reports submitted by each public school located in the school district or sponsored by the sponsor, as applicable, which contains information for the preceding school year and submit a report to the Department which contains such information for all public schools located in the school district or sponsored by the sponsor. —4.]~~ The Department shall contract with an independent evaluator to evaluate the effectiveness of services provided during each even-numbered year pursuant to NRS 387.133. The evaluation must include, without limitation, a determination of whether each public school is making an effective use of the money received by the public school pursuant to NRS 387.131 and an identification of services which have been identified to offer the greatest and the least improvement to pupil performance. The evaluation must be provided on or before February 1 of each odd-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 5. NRS 388.1324 is hereby amended to read as follows:

388.1324 1. The ~~[Governor]~~ *Superintendent of Public Instruction* shall appoint a committee on statewide school safety. Appointments must be made to represent each of the geographic areas of the State.

2. The committee must consist of ~~[:~~

~~(a) One representative of the Department of Education;~~

~~(b) One representative of the Department of Public Safety;~~

~~(c) One representative of the Division of Emergency Management of the Department of Public Safety;~~

~~(d) One representative of the Department of Health and Human Services;~~

~~(e) One representative who is a licensed teacher in this State;~~

~~(f) One representative who is the principal of a school in this State;~~

~~(g) One superintendent of a school district in this State;~~

~~(h) One school resource officer assigned to a school in this State;~~

~~(i) One person employed as a paraprofessional, as defined in NRS 391.008, by a school in this State;~~

~~(j) One school psychologist employed by a school in this State;~~

~~(k) One provider of mental health other than a psychologist who provides services to pupils at a school in this State;~~

~~(l) The State Fire Marshal or his or her designee;~~

~~(m) One parent or legal guardian of a pupil enrolled in a school in this State;~~

~~(n) At least two pupils enrolled in a school in this State; and~~

~~(o) Any other representative]~~ *the number of members that* the ~~[Governor]~~ *Superintendent of Public Instruction* deems appropriate ~~[.]~~ *, which must include, without limitation, members who have expertise in the fields of education, public safety, emergency management, public health and protection from fire.*

3. The committee shall:

(a) ~~[Establish]~~ *Recommend* methods which facilitate the ability of a pupil enrolled in a school in this State to express his or her ideas related to school safety and the well-being of pupils enrolled in schools in this State;

(b) Evaluate the impact of social media on school safety and the well-being of pupils enrolled in schools in this State; and

(c) Discuss and make recommendations to the ~~[Governor and the]~~ Department related to the findings of the committee.

4. *The Department shall provide administrative support to the Task Force.*

5. The purpose of the committee is to provide nonbinding advice and assistance to the Superintendent of Public Instruction, State Board and Department in the exercise of their duties regarding school safety.

6. As used in this section, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has

occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation. The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the bullying or cyber-bullying must be carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or his or her designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request

that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;

(b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, ~~[each calendar quarter,]~~ *on or before January 1 and July 1 of each year,* submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the ~~[calendar quarter,]~~ *immediately preceding 6 months,* the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

15. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. NRS 388.273 is hereby amended to read as follows:

388.273 1. The Department, in consultation with each school district, the sponsor of each charter school and the governing body of a university school for profoundly gifted pupils shall adopt a detailed plan to provide for the security of any data concerning pupils that is collected, maintained and transferred by the Department.

2. The board of trustees of each school district, the governing body of a charter school and the governing body of a university school for profoundly gifted pupils shall comply with and carry out the data security plan adopted by the Department pursuant to subsection 1.

3. Each school district, sponsor of a charter school and university school for profoundly gifted pupils shall prepare and submit to the ~~[Department an annual]~~ *State Board a* report *every 5 years* concerning any significant changes to the manner in which the school district, charter school or university school for profoundly gifted pupils collects, maintains or transfers data concerning pupils for inclusion in the ~~[annual report]~~ *plan to improve the achievement of pupils* prepared by the ~~[Department]~~ *State Board* pursuant to NRS ~~[385.230.]~~ *385.111.*

Sec. 8. NRS 388.5175 is hereby amended to read as follows:

388.5175 1. The Superintendent of Public Instruction shall establish within the Department the Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired.

2. The ~~[Superintendent]~~ *advisory panel established pursuant to 20 U.S.C. § 1412(a)(21)* shall appoint to the Committee ~~[13]~~ members who are the parents of pupils who are deaf, hard of hearing, blind or visually impaired, including, without limitation, pupils who are both deaf and blind, specialize in teaching or providing services to such children or perform research in a field relating to such children. ~~[The Committee must include, without limitation:~~

~~(a) At least seven members who are deaf, hard of hearing, blind or visually impaired;~~

~~(b) Members who communicate verbally using both American Sign Language and spoken English; and~~

~~(c) Members who communicate verbally using only spoken English.]~~

3. The ~~[Superintendent of Public Instruction]~~ *advisory panel established pursuant to 20 U.S.C. § 1412(a)(21)* shall appoint a Chair of the Committee. The Committee shall meet at the call of the Chair. A majority of the members of the Committee constitutes a quorum and is required to transact any business of the Committee.

4. The members of the Committee serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

Sec. 9. NRS 388.5968 is hereby amended to read as follows:

388.5968 The State Financial Literacy Advisory Council created by NRS 388.5966 ~~*[Department]*~~ shall:

1. Develop a strategic plan for the development of educational resources in financial literacy to serve as a foundation for professional development for pupils;

2. Identify learning activities targeted toward the standards and criteria of a curriculum in financial literacy;

3. Develop and facilitate ~~*[:]*~~ , in coordination with the Department:

(a) The Financial Literacy Month, including, without limitation, Student Smart Week, Money Week and the parent and family engagement summit established pursuant to NRS 388.5964; and

(b) The annual summit for educators established pursuant to NRS 391A.210;

4. In accordance with NRS 388.5962, develop the criteria a pupil must meet to be awarded the State Seal of Financial Literacy;

5. Apply for grants, gifts and donations of money to carry out the objectives of the Council; ~~*[Department;]*~~ and

6. Prepare a written report which includes, without limitation, recommendations concerning the instruction and curriculum in financial literacy and the activities of the Council ~~*[Department]*~~ and, on or before January 31 of each even-numbered year, submit a copy of the report to ~~[the Superintendent of Public Instruction,]~~ the Chancellor of the Nevada System of Higher Education, the Legislative Committee on Education and the Governor.

Sec. 10. NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in this section, for each school quarter of a school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1 and 2, must not exceed 16 to 1, and in grade 3, must not exceed 18 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, teachers who teach one or two specific subject areas to more than one classroom of pupils, and counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the end of a quarter during the school year to any existing class regardless of the number of pupils in the class if the school district requests and is approved for a variance from the State Board pursuant to subsection 4.

3. Each school district that includes one or more elementary schools which exceed the ratio of pupils per class during any quarter of a school year, as reported to the Department pursuant to NRS 388.725:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance for each such school for the ~~[next quarter of the]~~ current school year ~~[if a quarter remains in that school year or for the next quarter of the succeeding school year, as applicable,]~~ from the State Board by providing a written statement that includes the reasons for the request, the

justification for exceeding the applicable prescribed ratio of pupils per class and a plan of actions that the school district will take to reduce the ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on ~~[a quarterly]~~ *an annual* basis, submit a report to the Interim Finance Committee on each variance requested by a school district pursuant to subsection 4 during the preceding ~~[quarter]~~ *school year* and, if a variance was granted, an identification of each elementary school for which a variance was granted and the specific justification for the variance.

6. The State Board shall, on or before February 1 of each odd-numbered year, submit a report to the Legislature on:

(a) Each variance requested by a school district pursuant to subsection 4 during the preceding biennium and, if a variance was granted, an identification of each elementary school for which variance was granted and the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

7. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

8. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 11. NRS 388.780 is hereby amended to read as follows:

388.780 As used in NRS 388.780 to 388.815, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[388.785,]~~ 388.787 and 388.788 have the meanings ascribed to them in those sections.

Sec. 12. NRS 388.800 is hereby amended to read as follows:

388.800 1. The Trust Fund for Educational Technology is hereby created in the State General Fund. The Trust Fund must be administered by the Superintendent of Public Instruction. The Superintendent may accept gifts and grants of money from any source for deposit in the Trust Fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the Trust Fund must be credited to the Trust Fund.

3. The money in the Trust Fund may be used only for the distribution of money to school districts and charter schools to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the ~~[Commission]~~ *Department* for use in classrooms.

Sec. 13. NRS 388.805 is hereby amended to read as follows:

388.805 The Department shall ~~[, in consultation with the Commission,]~~ adopt regulations that establish a program whereby school districts and charter schools may apply to the ~~[Commission on Educational Technology]~~ *Department* for money from the Trust Fund for Educational Technology.

Sec. 14. NRS 388.810 is hereby amended to read as follows:

388.810 1. The Nevada Ready 21 Technology Program is hereby created for the purposes of:

(a) Providing each pupil and teacher at a public school which participates in the Program with 24-hour access to their own personal, portable technology device connected wirelessly to the Internet;

(b) Improving pupil outcomes through the use of digital teaching and learning technology, including, without limitation:

(1) Improving the extent to which pupils are engaged in classroom activity;

(2) Improving the attendance rate of pupils;

(3) Improving the graduation rate of pupils;

(4) Reducing the number of behavioral incidents in a classroom;

(5) Facilitating the application of material taught in the classroom to the real world; and

(6) Differentiating classroom instruction;

(c) Providing high-quality professional development for teachers to improve pupil outcomes through the use of digital teaching and learning technology;

(d) Effectively integrating technologies with teaching and learning; and

(e) Increasing the percentage of pupils who are career and workforce ready.

2. The ~~[Commission]~~ *Department* shall administer the Program.

3. In administering the Program, the ~~[Commission]~~ *Department* shall establish procedures by which the board of trustees of a school district, the governing body of a charter school or the governing body of a university

school for profoundly gifted pupils may apply to the ~~[Commission]~~ *Department* for a grant of money. An application for a grant must:

(a) Set forth a plan that includes:

(1) Measures designed to ensure that the school district, charter school or university school for profoundly gifted pupils submitting the application will apply best practices to the use of technology devices;

(2) Specific learning goals; and

(3) A method for measuring progress toward achieving those goals; and

(b) Provide a description of:

(1) The cost of purchasing the portable technology devices, the cost of professional development and any additional associated expenses of the school district, charter school or university school for profoundly gifted pupils to carry out the Program;

(2) The amount of money sought; and

(3) How the school district, charter school or university school for profoundly gifted pupils will pay for the difference between subparagraphs (1) and (2), if a difference exists.

4. To the extent that money is available, the ~~[Commission]~~ *Department* shall designate the amount of money that will be provided for each person intended to be served by any grant awarded by the ~~[Commission.]~~ *Department.* The ~~[Commission]~~ *Department* shall review all applications submitted pursuant to subsection 3 and award a grant to the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils in an amount determined by multiplying such an amount designated by the number of persons identified by the recipient of the grant to be served by the grant. The ~~[Commission]~~ *Department* may establish by regulation the criteria it will consider in determining whether to award a grant but shall not give preference in the awarding of a grant to an applicant solely on the basis of the vendor that the applicant intends to use pursuant to the grant.

5. The ~~[Commission]~~ *Department* shall, in consultation with each school district, establish standards and methods for measuring progress in the level of academic achievement and other areas identified by the ~~[Commission]~~ *Department* for pupils enrolled at public schools that are awarded a grant of money pursuant to subsection 4.

Sec. 15. NRS 388.815 is hereby amended to read as follows:

388.815 1. A school district, charter school or university school for profoundly gifted pupils that receives a grant pursuant to NRS 388.810 shall annually provide a report to the ~~[Commission]~~ *Department* in the form prescribed by the ~~[Commission]~~ *Department* that includes, without limitation:

(a) Any expenditures of money to implement the Program by the school district, charter school or university school for profoundly gifted pupils;

(b) A summary of the progress of the school district, charter school or university school for profoundly gifted pupils toward meeting the learning

goals specified in the application for a grant submitted pursuant to NRS 388.810; and

(c) Any feedback received by the school district, charter school or university school for profoundly gifted pupils concerning the Program from other recipients of money from the Program.

2. The Department shall enter into an agreement with a person or entity to carry out the Program. Such a person or entity may provide the following services:

(a) Computing devices that meet the minimum requirements established by the ~~[Commission]~~ *Department* for use in the Program.

(b) Software and applications.

(c) Learning management systems that allow the school district, charter school or university school for profoundly gifted pupils to create instructional materials to be used in a classroom and to track and manage such materials.

(d) Professional development.

(e) Wireless networking solutions.

3. A school district, charter school or university school for profoundly gifted pupils that receives a grant pursuant to NRS 388.810 may enter into an agreement with a person or entity to provide any or all of the services described in paragraphs (a) to (e), inclusive, of subsection 2.

Sec. 16. NRS 389.003 is hereby amended to read as follows:

389.003 Except as otherwise provided in NRS 389.041, boards of trustees of school districts in this State shall enforce in schools:

1. The standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520 and the courses of study related to those standards; and

2. The courses of study prescribed and adopted by the State Board.

Sec. 16.5. NRS 389.0186 is hereby amended to read as follows:

389.0186 1. Except as otherwise provided in this section, each public high school, including without limitation, a charter school, must allow a pupil enrolled in the school to receive a fourth unit of credit towards the mathematics credits required for graduation from high school or a third unit of credit towards the science credits required for graduation from high school for successful completion of:

(a) An advanced placement computer science course;

(b) A computer science course that is offered through a program of career and technical education; or

(c) A computer science course that is offered by a community college or university which has been approved pursuant to NRS 389.160.

2. A pupil:

(a) May not apply more than one unit of credit received for the completion of one or more courses described in subsection 1 toward the mathematics or science credits required for graduation from high school.

(b) Must successfully complete ~~[each]~~ *a* mathematics or science course~~.~~ ~~[for which an end-of-course examination is prescribed by the State Board pursuant to 20 U.S.C. § 6311(b)(2).]~~

Sec. 17. ~~[NRS 389.026 is hereby amended to read as follows:~~

~~389.026 1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive.~~

~~2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:~~

~~(a) The board of trustees of each school district; and~~

~~(b) [The governing body of each] *Each* regional training program for the professional development of teachers and administrators.~~

~~3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.~~

~~4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.~~

~~5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.~~

~~6. [The governing body of each] *Each* regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.]~~ (Deleted by amendment.)

Sec. 18. NRS 389.074 is hereby amended to read as follows:

389.074 1. The board of trustees of each school district and the governing body of each charter school shall ensure that instruction in financial literacy is provided to pupils enrolled in grades 3 to 12, inclusive, in each public school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Judging the quality of services offered by a financial institution;

(4) Developing communication strategies to discuss financial issues;

(5) Controlling personal information; and

(6) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Understanding the methods to manage debt and the consequences of acquiring debt;

(3) Understanding how interest rates, compounding frequency and the terms of a loan can affect the cost of credit;

(4) Completing an application for a loan;

(5) Understanding different types of loans, including, without limitation, payday loans, automobile loans, student loans and mortgages;

(6) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(7) Describing the rights of a borrower regarding his or her credit report;

(8) Identifying methods to avoid and resolve debt problems; and

(9) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments;

(4) Understanding compound interest, including, without limitation, in the context of investments;

(5) Understanding various types of securities, including, without limitation, stocks and bonds; and

(6) Understanding how the regulation of financial institutions protects investors.

(e) The skills necessary to prevent and limit the consequences of identity theft and fraud.

(f) The skills necessary to understand the basic assessment of taxes, including, without limitation, understanding the matter in which taxes are computed by local, state and federal governmental entities.

(g) The skills necessary to understand the basic principles of insurance, including, without limitation:

(1) Understanding the function of various insurance policies; and

(2) Determining the quality of an insurance provider.

(h) The skills necessary to plan for higher education and career choices, including, without limitation:

(1) Information concerning institutions of higher education and college preparedness;

(2) Information concerning career options;

(3) Writing a resume;

(4) Information concerning opportunities for financial aid, including the Free Application for Federal Student Aid and the programs of the Western Interstate Commission for Higher Education, and the manner in which to qualify for such opportunities;

(5) Information concerning scholarship opportunities, including, without limitation, the Governor Guinn Millennium Scholarship Program and Silver State Opportunity Grant Program; and

(6) Information concerning prepaid tuition and college savings programs and plans established pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529.

2. The standards of content and performance for the instruction in financial literacy required by subsection 1 must be included in the standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520. The instruction required by subsection 1 must be:

(a) Age-appropriate; and

(b) Included within a course of study for which the ~~[Council]~~ *Department* has established the relevant standards of content and performance, including, without limitation, a course of study in economics, mathematics or social studies.

3. The board of trustees of each school district and the governing body of each charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall encourage:

(a) Persons to donate money to the Account for Instruction in Financial Literacy created by NRS 388.895;

(b) Persons to volunteer time, expertise and resources to assist a school district, governing body of a charter school, public school or teacher in the provision of instruction in financial literacy; and

(c) Partnerships between a school district or charter school and relevant persons, businesses or entities in which those persons, businesses or entities provide the resources necessary to provide instruction in financial literacy.

Sec. 18.5. NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of education offered by a community college, state college or university in this State *or, if a course of education is not offered by a community college, state or university in this State, a community college, state college or university outside of this State* which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from the high school or the charter school in which the pupil is enrolled or the credits required for receipt of an adult standard diploma, as applicable.

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

3. The State Board must not unreasonably limit the number of dual credit courses in which a pupil may enroll or for which a pupil may receive credit.

Sec. 19. ~~[NRS 389.210 is hereby amended to read as follows:~~

~~389.210 1. The Department shall establish a pilot program to provide competency-based education.~~

~~2. The State Board shall adopt regulations that prescribe:~~

~~(a) The process for submission of an application by the board of trustees of a school district or the governing body of a charter school to participate in the pilot program; and~~

~~(b) The qualifications and conditions for participation by a school in the pilot program, including, without limitation:~~

~~(1) A commitment by the school district or charter school to implement competency-based education for not less than 5 years; *and*~~

~~(2) Evidence of support for the implementation of competency-based education by the community served by the school district or charter school . [; and~~

~~(3) A commitment to participate in the Competency-Based Education Network established by NRS 389.220.]~~

~~3. A school selected to participate in the pilot program to provide competency-based education shall:~~

~~(a) Implement a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a concept or skill;~~

~~(b) Establish concrete skills on which a pupil will be evaluated that include explicit, measurable and transferable learning objectives;~~

~~(c) Ensure that assessment is a meaningful and positive learning experience for pupils;~~

~~(d) Ensure that pupils receive timely and differentiated support based upon their individual learning needs; and~~

~~(e) Ensure that pupils are able to apply knowledge learned, create new knowledge and develop important skills and dispositions relating to such knowledge.~~

~~4. If at least one application to participate in the pilot program is made on behalf of a school that primarily serves pupils who are at risk or credit deficient, or in need of credit retrieval, the Department must select at least one such school to participate in the pilot program.~~

~~5. As used in this section, a pupil is "at risk" if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are English learners, pupils who are at risk~~

~~of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.]~~ (Deleted by amendment.)

Sec. 19.5. NRS 389.310 is hereby amended to read as follows:

389.310 1. Each school district and charter school ~~[shall]~~ :

(a) Shall enter into cooperative agreements with one or more community colleges, state colleges and universities *in this State; and*

(b) May enter into cooperative agreements with one or more community colleges, state colleges or universities outside of this State if the community college, state college or university outside of this State offers a course of education not offered by a community college, state college or university in this State,

➥ to offer dual credit courses to pupils enrolled in the school district or charter school.

2. Each cooperative agreement entered into pursuant to this section must include, without limitation:

(a) Provisions specifying the amount of credit to be awarded for the successful completion of the dual credit course;

(b) A requirement that any credits earned by a pupil for the successful completion of a dual credit course must be applied toward earning a credential, certificate or degree, as applicable, at the community college, state college or university that provides the dual credit course;

(c) An explanation of the manner in which the tuition for the dual credit course will be paid, including, without limitation, whether:

(1) The school district or charter school will pay all or a portion of the tuition for the dual credit course;

(2) A pupil is responsible for paying all or a portion of the tuition for the dual credit course;

(3) Grants from the Department are available and will be applied to pay all or a portion of the tuition for the dual credit course; and

(4) Any other funding source, including federal funding sources or sources from private entities, will be applied by the school district or charter school to pay all or a portion of the tuition for the dual credit course;

(d) A requirement that the school district or charter school establish an academic program for each pupil enrolled in the dual credit course that includes, as applicable, the academic plan developed for the pupil pursuant to NRS 388.205;

(e) Assignment by the school district or charter school of a unique identification number to each pupil who is enrolled in the dual credit course;

(f) A requirement that the community college, state college or university that provides the dual credit course retain the unique identification number assigned to each pupil pursuant to paragraph (e);

(g) A written consideration and identification of the ways in which a pupil who is enrolled in a dual credit course can remain eligible for interscholastic activities; and

(h) Any other financial or other provisions that the school district or charter school and the community college, state college or university that provides the dual credit course deem appropriate.

3. A community college, state college or university that offers a dual credit course shall provide to the Nevada System of Higher Education and the Department a copy of each cooperative agreement entered into by the community college, state college or university pursuant to subsection 1.

4. The Nevada System of Higher Education and the Department shall retain a copy of each cooperative agreement entered into pursuant to this section.

Sec. 20. NRS 389.520 is hereby amended to read as follows:

389.520 1. The ~~[Council]~~ *Department* shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The ~~[Council]~~ *Department* shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The ~~[Council]~~ *Department* shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The ~~[Council]~~ *Department* shall establish standards of content and performance for the grade levels selected by the ~~[Council]~~ *Department* for the other courses of study prescribed in subsection 1.

6. The ~~[Council]~~ *Department* shall forward to the State Board the standards of content and performance established by the ~~[Council]~~ *Department* for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the ~~[Council;]~~ *Department;* or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the ~~[Council]~~ *Department* with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the ~~[Council]~~ *Department* the standards of content and performance for a course of study or a grade level, the ~~[Council]~~ *Department* shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The ~~[Council]~~ *Department* shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 21. NRS 389.525 is hereby amended to read as follows:

389.525 1. The ~~[Council]~~ *Department* shall establish standards of content and performance for ethnic and diversity studies for pupils enrolled in high school. The ~~[Council]~~ *Department* shall develop the standards in consultation with:

(a) Faculty of ethnic or diversity studies at colleges and universities in this State that have an ethnic or diversity studies program;

(b) Representatives of the school districts in this State, a majority of whom are teachers in kindergarten through grade 12 and who have experience or an educational background in the study and teaching of ethnic or diversity studies; and

(c) Other qualified persons who represent the diverse communities of this State and the United States.

2. The standards established pursuant to subsection 1 must:

(a) Examine the culture, history and contributions of diverse American communities, including, without limitation, African Americans, Hispanic Americans, Native Americans, Asian Americans, European Americans, Basque Americans and any other ethnic or diverse American communities the ~~[Council]~~ *Department* deems appropriate;

(b) Emphasize human relations, sensitivity towards all races and diverse populations and work-related cultural competency skills;

(c) Be written in a manner that allows a school district or charter school to modify the content to reflect and support the demographics of pupils in the community, as long as the prescribed standard is met; and

(d) Comply with any applicable admissions requirements for colleges and universities in this State.

3. The board of trustees of a school district and the governing body of a charter school that operates as a high school may provide instruction in ethnic and diversity studies to pupils enrolled in high school within the school district or in the charter school, as applicable. If provided, the instruction must comply

with the standards of content and performance established by the ~~[Council]~~ *Department* pursuant to this section.

4. The State Board shall adopt such regulations as necessary to carry out the provisions of this section.

Sec. 22. NRS 389.530 is hereby amended to read as follows:

389.530 ~~[1.]~~ The Department ~~[shall provide:~~

~~(a) Administrative support;~~

~~(b) Equipment; and~~

~~(c) Office space,~~

~~➥ as is necessary for the Council to carry out its duties.~~

~~2. The Council]~~ may request assistance from any agency of this state if the assistance is necessary for the ~~[Council]~~ *Department* to carry out its duties.

Sec. 23. NRS 389.540 is hereby amended to read as follows:

389.540 The board of trustees of each school district shall conduct a periodic review of the courses of study offered in the public schools of the school district to determine whether the courses of study comply with the standards of content and performance established by the ~~[Council]~~ *Department* pursuant to NRS 389.520 and if revision of the courses of study is necessary to ensure compliance.

Sec. 24. NRS 389.850 is hereby amended to read as follows:

389.850 1. The State Board shall make the final selection of all textbooks to be used in the public schools in this State, except for charter schools. If a textbook proposed for selection is in a subject area for which standards of content have been established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520, the State Board shall not select the textbook unless the State Board determines that the textbook adequately supports the standards for that subject area.

2. A textbook must not be selected by the State Board pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

Sec. 25. NRS 390.105 is hereby amended to read as follows:

390.105 1. The State Board shall, in consultation with the ~~[Council to Establish Academic Standards for Public Schools,]~~ *Department*, prescribe examinations that comply with 20 U.S.C. § 6311(b)(2) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the ~~[Council]~~ *Department* for the subjects of English language arts and mathematics.

(b) For grades 5 and 8, in the standards of content established by the ~~[Council]~~ *Department* for the subject of science.

(c) For grades 9, 10, 11 and 12, in the standards of content established by the ~~[Council]~~ *Department* for the subjects required to comply with 20 U.S.C. § 6311(b)(2).

➥ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the ~~[Council to Establish Academic Standards for Public Schools,]~~ *Department*, prescribe a writing examination for grades 5 and 8.

3. The Department shall ensure the availability of:

(a) The examinations prescribed pursuant to subsections 1 and 2 to pupils in any language in which those examinations are published; and

(b) Authorized supports to pupils who are English learners for the examinations prescribed pursuant to subsections 1 and 2.

4. The State Board shall prescribe:

(a) The minimum number of school days that must take place before the examinations prescribed by the State Board pursuant to subsection 1 may be administered to pupils; and

(b) The period during which the examinations prescribed by the State Board pursuant to subsection 1 must be administered.

5. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board at such times as prescribed by the State Board pursuant to subsection 4. The examinations must be:

(a) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(b) Administered in each school in accordance with the plan adopted pursuant to NRS 390.270 by the Department and with the plan adopted pursuant to NRS 390.275 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 26. NRS 390.115 is hereby amended to read as follows:

390.115 1. The ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* shall review the results of pupils on the examinations administered pursuant to NRS 390.105, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.

2. After the completion of the review pursuant to subsection 1, the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* shall evaluate:

(a) Whether the standards of content and performance established by the ~~[Council]~~ *Department* require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the ~~[Council.]~~ *Department.*

3. The ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* shall report the results of the evaluation conducted pursuant to subsection 2 to the State Board and the Legislative Committee on Education.

Sec. 27. NRS 390.600 is hereby amended to read as follows:

390.600 1. The State Board shall adopt regulations that, except as otherwise provided in subsection 3, prescribe the criteria for a pupil to receive a standard high school diploma, which must include, without limitation, the requirement that:

(a) A pupil enrolled in grade 11 take the college and career readiness assessment administered pursuant to NRS 390.610; and

(b) Commencing with the graduating class of 2022 and each graduating class thereafter, a pupil successfully complete a course of study designed to prepare the pupil for graduation from high school and for readiness for college and career.

2. The criteria prescribed by the State Board pursuant to subsection 1 for a pupil to receive a standard high school diploma must not include the results of the pupil on the college and career readiness assessment administered to the pupil in grade 11 pursuant to NRS 390.610.

3. A pupil with a disability who does not satisfy the requirements to receive a standard high school diploma prescribed by the State Board pursuant to subsection 1 may receive a standard high school diploma if the pupil demonstrates, through a portfolio of the pupil's work, proficiency in the standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520.

4. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma prescribed in subsection 3 or by the State Board pursuant to subsection 1 may receive a diploma designated as an:

(a) Adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program; or

(b) Alternative diploma if the pupil:

(1) Has a significant cognitive disability; and

(2) Participates in an alternate assessment prescribed by the State Board.

5. If a pupil does not satisfy the requirements to receive a standard high school diploma prescribed by subsection 3 or by the State Board pursuant to subsection 1, the pupil must not be issued a certificate of attendance or any other document indicating that the pupil attended high school but did not

satisfy the requirements for such a diploma. The provisions of this subsection do not apply to a pupil who receives an adjusted diploma or an alternative diploma pursuant to subsection 4.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 28. NRS 390.830 is hereby amended to read as follows:

390.830 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) Legislative Committee on Education created pursuant to NRS 218E.605; and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 390.105, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English language arts and mathematics established pursuant to NRS 389.520 with the standards for English language arts and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 390.105.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) Legislative Committee on Education; *and*

(c) Legislative Bureau of Educational Accountability and Program Evaluation . ~~[; and~~

~~(d) Council to Establish Academic Standards for Public Schools.~~

~~4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.]~~

Sec. 29. NRS 391.038 is hereby amended to read as follows:

391.038 1. The Commission, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

(a) The licensure of teachers or other educational personnel;

(b) The renewal of licenses of teachers or other educational personnel; or

(c) An endorsement in a field of specialization.

➥ If the course of study and training meets the requirements established by the Commission, it must be approved by the Commission. The Commission shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the Commission, in the standards of content and performance prescribed by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520.

2. The Commission may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Commission.

3. The Commission shall adopt regulations establishing fees for the review by the Commission of a course of study and training submitted to the Commission by an educational institution.

4. The Commission, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, shall adopt regulations governing the approval by the Commission of courses of study and training.

5. If the Commission denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the Commission.

Sec. 30. NRS 391.450 is hereby amended to read as follows:

391.450 As used in NRS 391.450 to 391.485, inclusive, "Council" means the Teachers and Leaders *Advisory* Council of Nevada created by NRS 391.455.

Sec. 31. NRS 391.455 is hereby amended to read as follows:

391.455 1. There is hereby created the Teachers and Leaders *Advisory* Council of Nevada consisting of the following 16 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) ~~[Four]~~ *Three* teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) *One teacher in a public school appointed by the Governor from a list of nominees submitted by the employee organization representing the largest number of teachers in the largest school district in this State.*

(e) One school counselor, psychologist, speech-language pathologist, audiologist or social worker who is licensed pursuant to chapter 391 of NRS appointed by the Governor from a list of nominees submitted by the Nevada State Education Association ~~[.]~~ *and an employee organization representing the majority of such persons in the State.* The persons nominated pursuant to this paragraph must represent the geographical diversity of school districts in this State.

~~[(e)]~~ *(f)* Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

~~[(f)]~~ *(g)* Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

~~[(g)]~~ *(h)* One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

~~[(h)]~~ *(i)* One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

~~[(i)]~~ *(j)* Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to ~~[(h),]~~ *(i),* inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or

she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be:

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (c), (d), (e), (f), (g) , ~~[or]~~ (h) *or (i)* of subsection 1.

8. The Department shall provide administrative support to the Council.

9. *The purpose of the Council is to provide nonbinding advice and assistance to the Superintendent of Public Instruction, State Board and Department in the exercise of their duties.*

10. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to *this section and* NRS 391.460.

Sec. 32. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, ~~[based upon]~~ *after consideration of* the recommendations of the Teachers and Leaders *Advisory* Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools

of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 33. NRS 391.470 is hereby amended to read as follows:

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders *Advisory* Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer observations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph (e) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer observations.

Sec. 34. NRS 391.475 is hereby amended to read as follows:

391.475 The Department shall, ~~[in consultation with]~~ *after consulting* the boards of trustees of school districts and the Council, develop an electronic tool for providing documents concerning evaluations conducted pursuant to NRS 391.680 to 391.730, inclusive, to teachers, administrators and other licensed educational personnel. The tool must allow an administrator who conducts an evaluation to:

1. Immediately share documents concerning the evaluation with the teacher, administrator or other licensed educational employee who is the subject of the evaluation; and

2. Recommend professional development courses to improve the performance and knowledge of the teacher, administrator or other licensed educational employee who is the subject of the evaluation.

Sec. 35. NRS 391.492 is hereby amended to read as follows:

391.492 1. There is hereby created the Nevada State Teacher Recruitment and Retention Advisory Task Force consisting of the following members ~~[:]~~ *appointed by the Superintendent of Public Instruction:*

(a) One licensed teacher employed by each school district located in a county whose population is less than 100,000 *;* ~~[, appointed by the Legislative Committee on Education;]~~

(b) Two licensed teachers employed by each school district located in a county whose population is 100,000 or more but less than 700,000 *;* ~~[, appointed by the Legislative Committee on Education;]~~ and

(c) Three licensed teachers employed by each school district located in a county whose population is 700,000 or more . ~~[, appointed by the Legislative Committee on Education.]~~

2. After the initial terms, each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. If any member of the Task Force ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the ~~[Legislative Committee on Education]~~ *Superintendent of Public Instruction* shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least quarterly and may meet at other times upon the call of the Chair or a majority of the members of the Task Force. ~~[In even-numbered years, the Task Force shall have three meetings before the final meeting of the Legislative Committee on Education. In even-numbered years, the fourth meeting of the Task Force must be a presentation to the Legislative Committee on Education of the findings and recommendations of the Task Force made pursuant to NRS 391.496.]~~

5. Ten members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Department shall provide administrative support to the Task Force.

9. The purpose of the Task Force is to provide nonbinding advice and assistance to the Superintendent of Public Instruction, State Board and Department in the exercise of their duties regarding the recruitment and retention of teachers.

Sec. 36. NRS 391.494 is hereby amended to read as follows:

391.494 1. Each member of the Task Force must:

(a) Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State;

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the ~~[Legislative Committee on Education]~~ *Department* on or before January 15 of an even-numbered year. On or before February 1 of each even-numbered year, the ~~[Legislative Committee on Education]~~ *Department* shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 37. NRS 391.496 is hereby amended to read as follows:

391.496 *1.* The Task Force shall:

~~[1.]~~ *(a)* Evaluate the challenges in attracting and retaining teachers throughout this State;

~~[2.]~~ *(b)* Make recommendations to the ~~[Legislative Committee on Education]~~ *Department* to address the challenges in attracting and retaining teachers throughout this State, including, without limitation, providing incentives to attract and retain teachers; and

~~[3.]~~ *(c)* On or before February 1 of each ~~[odd-numbered]~~ year, submit a report to the ~~[Director]~~ *Superintendent* of ~~[the Legislative Counsel Bureau for transmission to the Legislature]~~ *Public Instruction* describing the findings and recommendations of the Task Force.

2. The Superintendent of Public Instruction shall, after consideration of the recommendations of the Task Force, make any recommendations for legislation that the Superintendent determines to be necessary to the Legislative Committee on Education on or before June 1 of each even-numbered year.

Sec. 38. NRS 391A.100 is hereby amended to read as follows:

391A.100 As used in NRS 391A.100 to 391A.210, inclusive, unless the context otherwise requires, ~~[the words and terms defined in NRS 391A.105 and 391A.110 have the meanings ascribed to them in those sections.]~~ *"regional training program" means a regional training program for the professional development of teachers and administrators created pursuant to NRS 391A.120.*

Sec. 39. NRS 391A.120 is hereby amended to read as follows:

391A.120 1. There are hereby created the Southern Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program. The governing body of each regional training program ~~*[Department]*~~ shall establish and operate ~~*[, for each regional training program,]*~~ a:

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. Except as otherwise provided in subsection 5, the Southern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts *or charter schools* in:

(a) Clark County;

(b) Esmeralda County;

(c) Lincoln County;

(d) Mineral County; and

(e) Nye County.

3. Except as otherwise provided in subsection 5, the Northeastern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts *or charter schools* in:

(a) Elko County;
(b) Eureka County;
(c) Lander County;
(d) Humboldt County;
(e) Pershing County; and
(f) White Pine County.

4. Except as otherwise provided in subsection 5, the Northwestern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts *or charter schools* in:

(a) Carson City;
(b) Churchill County;
(c) Douglas County;
(d) Lyon County;
(e) Storey County; and
(f) Washoe County.

5. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts *or charter schools* outside the primary jurisdiction of the regional training program.

6. The board of trustees of the:

(a) Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.

(b) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.

(c) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.

7. As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Literacy Intervention Program established and operated by the applicable governing body.

8. Each regional training program shall cooperate to form a statewide network that serves all teachers in public schools in this State.

Sec. 40. NRS 391A.125 is hereby amended to read as follows:

391A.125 1. Based upon the priorities of programs prescribed by the ~~[State Board]~~ *Department* pursuant to subsection 4 of NRS 391A.505 and the assessment of needs for training within the region and priorities of training adopted by the governing body ~~*[Department]*~~ pursuant to NRS 391A.175, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520;

(2) Curriculum and instruction required for the standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders *Advisory* Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.685, 391.690, 391.705 and 391.710 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders *Advisory* Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.685, 391.690, 391.705 or 391.710.

(e) Training for teachers on methods to teach computer literacy or computer science to pupils.

(f) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(g) In accordance with the program established by the ~~[Statewide Council]~~ *Department* pursuant to paragraph (b) of subsection ~~[2]~~ *1* of NRS 391A.135 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build

the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(h) Training and continuing professional development for teachers who receive an endorsement to teach courses relating to financial literacy pursuant to NRS 391.019 and 396.5198.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(42), as deemed appropriate by the governing body ~~*[Department]*~~ for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are English learners.

3. The governing body of each ~~*[Each]*~~ regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body ~~*[Each regional training program]*~~ shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district *or governing body of a charter school* that is served by the regional training program as set forth in NRS 391A.120 to provide professional development to the teachers and administrators employed by the school district *or charter school* that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(42), as deemed appropriate by the governing body ~~*[Department]*~~ for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

7. To the extent that money is available, the Department shall administer the training required pursuant to paragraph (h) of subsection 1.

8. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 41. NRS 391A.135 is hereby amended to read as follows:

391A.135 1. ~~[The Statewide Council shall meet not less than four times per year.~~

~~2.]~~ The ~~[Statewide Council]~~ *Department* shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in ~~*[for]*~~ the review and approval by the governing body ~~*[Department]*~~ of the training to be provided by the regional training program pursuant to NRS 391A.125 and 391A.175. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(42), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391A.125.

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures and criteria for use by the governing body of each regional training program to report the ~~*[information required for the Department to conduct an]*~~ *common* evaluation conducted pursuant to NRS 391A.190.

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of ~~*[for]*~~ each regional training program pursuant to NRS 391A.175.

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of ~~*[for]*~~ each regional training program pursuant to NRS 391A.190.

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to NRS 385A.650 for the public schools within the primary jurisdiction of the

regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.111 and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

~~[3.]~~ *2.* The ~~[Statewide Council]~~ *Department* may:

(a) Accept gifts and grants from any source for use by the ~~[Statewide Council]~~ *Department* in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391A.125; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the ~~[Statewide Council]~~ *Department* in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391A.125, including, without limitation, providing money from the budget of the ~~[Statewide Council]~~ *Department* to match the money received from a federal grant.

~~[4.]~~ *3.* As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 41.5. NRS 391A.150 is hereby amended to read as follows:

391A.150 1. Each regional training program must have a governing body consisting of:

(a) The superintendent of schools, or the superintendent's designee, for each school district that is included within the primary jurisdiction of the regional training program. The superintendent of schools serves ex officio.

(b) Teachers who are considered masters, appointed by the superintendents of schools of the school districts that are included within the primary jurisdiction of the regional training program and the representatives of higher education appointed to the governing body. Each teacher who wishes to be considered for appointment to the governing body must submit an application explaining his or her qualifications as a master teacher. At least one teacher must be appointed from each school district within the primary jurisdiction of the regional training program.

(c) Representatives of the Nevada System of Higher Education, appointed by the Board of Regents, and representatives of other institutions of higher education, as determined by the superintendents of school districts included within the primary jurisdiction of the regional training program.

(d) A ~~[nonvoting]~~ member who is an employee of the Department.

2. After the appointments are made, the governing body shall select a chair from among its membership.

3. Each member of the governing body shall serve a term of 2 years. A person must not be appointed to serve more than three consecutive terms.

4. A vacancy in the governing body must be filled in the same manner as the original appointment.

Sec. 42. NRS 391A.165 is hereby amended to read as follows:

391A.165 1. On or before the deadline prescribed by the ~~[Statewide Council,]~~ *Department*, the governing body of each regional training program ~~*[The Department]*~~ shall submit ~~*[develop]*~~ a proposed biennial budget for the ~~*[each]*~~ regional training program ~~*[.]*~~ to the ~~[Statewide Council.]~~ *Department.*

2. The proposed biennial budget of the ~~*[each]*~~ regional training program must be in the form prescribed by the Superintendent of Public Instruction and include, without limitation, ~~[the]~~ *a specified* amount of money requested by the governing body to pay for the salary or other compensation of ~~[the]~~ *any* coordinator of the program hired pursuant to NRS 391A.160. ~~*[by the Department or regional training program.]*~~

3. The ~~[Statewide Council]~~ *Department* may deny any portion of a proposed biennial budget submitted by a regional training program. If the ~~[Statewide Council]~~ *Department* denies any portion of a proposed biennial budget, the ~~[Statewide Council]~~ *Department* shall provide ~~[a written report that describes]~~ *in writing* the reasons for the denial to the governing body of the regional training program that submitted the proposed biennial budget, and the governing body of the regional training program may revise the proposed biennial budget and resubmit the revised proposed biennial budget to the ~~[Statewide Council]~~ *Department* for review. If the ~~[Statewide Council]~~ *Department* denies any portion of the revised proposed biennial budget, the ~~[Statewide Council]~~ *Department* shall submit ~~[a copy of the written report describing]~~ *in writing* the reasons for the denial to:

(a) The governing body of the regional training program that submitted the revised proposed biennial budget; *and*

(b) The fiscal agent for the regional training program. ~~[;~~

~~(c) The Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and~~

~~(d) The Legislative Committee on Education.]~~

4. The proposed biennial budget of each regional training program , or the parts thereof, that was approved by the ~~[Statewide Council]~~ *Department* pursuant to subsection 3 must be included in the biennial budget of the Department. Any portion of the approved biennial budget of a regional training program that exceeds the budget for the regional training program in the immediately preceding biennium must be included in the biennial budget of the Department as a separate line item.

5. The governing body of a regional training program may:

(a) Accept gifts and grants from any source to assist the governing body in providing the training required by NRS 391A.125.

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391A.125, including, without limitation, providing money from the

budget of the governing body to match the money received from a federal grant.

Sec. 43. NRS 391A.170 is hereby amended to read as follows:

391A.170 1. If the governing body of a regional training program determines that a revision of the budget for the program is necessary because of changed conditions, the governing body may submit a request for a budget revision for the remainder of a fiscal year to the ~~[Statewide Council.]~~ *Department.*

2. Every request for a budget revision must be submitted to the ~~[Statewide Council]~~ *Department* in the form and with such supporting information as the Superintendent of Public Instruction prescribes.

3. The ~~[Statewide Council]~~ *Department* shall approve or disapprove the request for a budget revision in writing. The ~~[Statewide Council]~~ *Department* may approve the request if the ~~[Statewide Council]~~ *Department* determines the budget revision is necessary because of changed conditions.

~~[4.]~~ If the ~~[Statewide Council approves the request for a budget]~~ *Department determines that a* revision ~~[,]~~ *to the budget for a regional training program is necessary because of changed conditions,* the ~~[Statewide Council]~~ *Department* shall determine whether a request for a revision of a work program pursuant to NRS 353.220 is *also* necessary. If the request for a revision of a work program pursuant to NRS 353.220 is necessary, the procedures set forth in NRS 353.220 must be complied with before the governing body of the regional training program ~~*[Department]*~~ may implement the budget revision.

Sec. 44. NRS 391A.175 is hereby amended to read as follows:

391A.175 1. The governing body of each regional training program ~~*[Department]*~~ shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts *and charter schools* within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district *or governing body of each charter school* may submit recommendations to the appropriate governing body ~~*[Department]*~~ for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) and as deemed necessary by the governing body, ~~*[Department,]*~~ review the plans to improve the achievement of pupils prepared pursuant to NRS 385A.650 for individual schools within the primary jurisdiction of the regional training program.

(d) Prepare a 5-year plan *in alignment with the plan to improve the achievement of pupils enrolled in public schools prepared pursuant to NRS 385.111* for the regional training program for review by the ~~[Statewide Council,]~~ *Department,* which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts *and charter schools* within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan including, without limitation, the biennial budget of the regional training program for those 2 years.

➥ The governing body shall incorporate into the 5-year plan any revisions recommended by the ~~[Statewide Council.]~~ *Department.*

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts *and charter schools* within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of ~~*[Department to authorize]*~~ the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program ~~*[Department authorizing the regional training program]*~~ to perform those duties or obligations. The governing body of a regional training program ~~*[Department]*~~ may, but is not required to, grant a request pursuant to this subsection.

Sec. 45. ~~[NRS 391A.180 is hereby amended to read as follows:~~

~~391A.180 1. The [governing body of each regional training program] *Department* shall establish an evaluation system for the teachers and other licensed educational personnel who participate in [the] *a regional training* program. The evaluation system must include:~~

~~(a) Specific measures of the success of each teacher and other licensed person who participates in the training provided by the program; and~~

~~(b) Recommendations for follow-up for the teacher or other licensed person to strengthen his or her skills in the classroom or otherwise in his or her position of employment with the school district or charter school.~~

~~2. Each evaluation must be provided in written form to the person who is evaluated and the principal of the school at which the person is employed, if applicable, or, if the person is not supervised by a school principal, his or her direct supervisor.]~~ (Deleted by amendment.)

Sec. 46. ~~[NRS 391A.185 is hereby amended to read as follows:~~

~~391A.185 1. The [governing body of a regional training program] *Department* may facilitate and coordinate access to information by teachers~~

~~and administrators concerning issues related to suicide among pupils. Such information must be offered for educational purposes only.~~

~~2. Receipt of or access to information pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his or her employment.]~~ (Deleted by amendment.)

Sec. 47. NRS 391A.190 is hereby amended to read as follows:

391A.190 1. The governing body of each regional training program ~~*[Department]*~~ shall:

(a) Establish a method for the *common* evaluation of the success of the ~~*[each]*~~ regional training program, including, without limitation, the ~~*[each]*~~ Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures and criteria adopted by the ~~[Statewide Council]~~ *Department* pursuant to NRS 391A.135 and the standards for professional development training adopted by the State Board pursuant to subsection 1 of NRS 391A.370.

(b) ~~[On or before September 1 of each year and before submitting the annual report pursuant to paragraph (c), submit the annual report to the Statewide Council for its review and incorporate into the annual report any revisions recommended by the Statewide Council.~~

~~(c)]~~ On or before December 1 of each year, submit an annual report to the State Board, the board of trustees of each school district *and the governing body of each charter school* served by the ~~*[each respective]*~~ regional training program, the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes, without limitation:

(1) The priorities for training adopted by the governing body ~~*[Department]*~~ pursuant to NRS 391A.175.

(2) The type of training offered through the regional training program in the immediately preceding year.

(3) The number of teachers and administrators who received training through the regional training program in the immediately preceding year.

(4) The number of administrators who received training pursuant to paragraph (c) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(5) The number of teachers, administrators and other licensed educational personnel who received training pursuant to paragraph (d) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(6) The number of teachers who received training pursuant to subparagraph (1) of paragraph (g) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(7) The number of paraprofessionals, if any, who received training through the regional training program in the immediately preceding year.

(8) ~~[An]~~ *A common* evaluation of the effectiveness of the regional training program, including, without limitation, the Nevada Early Literacy

Intervention Program, in accordance with the method established pursuant to paragraph (a).

(9) An evaluation of whether the training included the:

(I) Standards of content and performance established by the ~~[Council to Establish Academic Standards for Public Schools]~~ *Department* pursuant to NRS 389.520;

(II) Curriculum and instruction required for the common core standards adopted by the State Board;

(III) Curriculum and instruction recommended by the Teachers and Leaders *Advisory* Council of Nevada created by NRS 391.455; and

(IV) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(10) An evaluation of the effectiveness of training on improving the quality of instruction and the achievement of pupils.

(11) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the ~~[Statewide Council]~~ *Department* during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(12) The 5-year plan for the regional training program prepared pursuant to NRS 391A.175 and any revisions to the plan made by the governing body *or the Department* in the immediately preceding year.

2. The information included in the annual report pursuant to paragraph (c) ~~*[(b)]*~~ of subsection 1 must be aggregated for each regional training program and disaggregated for each school district *or charter school* served by the regional training program.

3. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 48. NRS 391A.210 is hereby amended to read as follows:

391A.210 ~~[The governing body of each regional training program shall coordinate with the]~~ *To the extent that money is available, the* Department ~~[to provide]~~ *shall administer* an annual summit at the beginning of the Financial Literacy Month established pursuant to NRS 388.5964. ~~[To the extent that money is available, the Department shall administer the annual summit.]~~

Sec. 49. NRS 391A.505 is hereby amended to read as follows:

391A.505 1. The Superintendent of Public Instruction shall coordinate the annual distribution of grants of money from the Great Teaching and Leading Fund to the following entities whose applications for a grant are approved:

(a) The governing body of a ~~*[A]*~~ regional training program for the professional development of teachers and administrators.

(b) The board of trustees of a school district.

(c) The governing body of a charter school.

(d) The State Public Charter School Authority.

(e) A university, state college or community college within the Nevada System of Higher Education.

(f) Employee associations representing licensed educational personnel.

(g) Nonprofit educational organizations.

2. The Superintendent of Public Instruction shall:

(a) Prescribe the form for an entity described in subsection 1 to submit an application for a grant of money from the Fund and the deadline for submission of such an application.

(b) Assign a committee to review the applications and make recommendations to the Superintendent for awarding grants of money from the Fund.

(c) Make recommendations to the State Board regarding awarding grants of money from the Fund.

3. Based upon the recommendations made by the Superintendent of Public Instruction pursuant to paragraph (c) of subsection 2 and to the extent money is available in the Fund, the State Board shall award grants of money to each entity with an approved application not later than December 31 of each year. To the extent that money is available, a grant of money from the Fund may be awarded for the period specified by the applicant in the application, not to exceed 3 years. The State Board may not award more than 20 percent of the money placed in the Fund by legislative appropriation to any single entity in a fiscal year.

4. On or before September 30 of each year, the ~~[State Board]~~ *Department* shall prescribe the priorities of programs set forth in subsection 2 of NRS 391A.510 for which grants of money will be made from the Fund on or before December 31 of that year. In developing the priorities, the ~~[State Board]~~ *Department* shall review and consider the assessment of the training needs of teachers and administrators made by the governing body of each regional training program for the professional development of teachers and administrators pursuant to NRS 391A.175.

~~[5. The Superintendent of Public Instruction shall:~~

~~(a) Post on the Internet website maintained by the Department a list of each gift or grant, if any, received pursuant to subsection 1 of NRS 391A.500 for deposit in the Fund and the name of the donor of the gift or grant.~~

~~(b) Update the list annually.~~

~~(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:~~

~~(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and~~

~~(2) In even-numbered years, to the Legislative Committee on Education.]~~

Sec. 50. NRS 391A.515 is hereby amended to read as follows:

391A.515 1. To the extent money is available from legislative appropriation or otherwise, the ~~[Superintendent of Public Instruction]~~ *Department* shall contract for an independent evaluation of the effectiveness of the grants of money from the Great Teaching and Leading Fund . ~~[~~,

~~including,~~ *The evaluation shall begin at the conclusion of each odd-numbered school year and be completed on or before July 15 of the following calendar year. The evaluation must include,* without limitation, a review and analysis of data relating to:

(a) Changes in instructional or administrative practices;

(b) The achievement of pupils; and

(c) The recruitment, selection and retention of effective teachers and administrators.

~~[➥ The Superintendent of Public Instruction shall consult with the Statewide Council for the Coordination of the Regional Training Programs in determining the duties of the contractor.]~~

2. If the ~~[Superintendent of Public Instruction]~~ *Department* contracts for an independent evaluation of the effectiveness of the grants of money from the Fund pursuant to subsection 1, the ~~[Superintendent]~~ *Department* shall submit a report of the results of the evaluation to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) If the report is completed before September 1 of an even-numbered year, the Legislative Committee on Education.

Sec. 51. NRS 396.5195 is hereby amended to read as follows:

396.5195 The Board of Regents shall, in cooperation with the State Board and the ~~[Council to Establish Academic Standards for Public Schools,]~~ *Department*, ensure that students enrolled in a program developed by the System for the education of teachers are provided instruction regarding the standards of content and performance required of pupils enrolled in high schools in this State.

Sec. 52. NRS 223.650 is hereby amended to read as follows:

223.650 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640 shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools and institutions of higher education in this State and report the information gathered by the survey to the

State Board of Education and the Board of Regents of the University of Nevada;

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c);

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, the Board of Regents of the University of Nevada, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature;

(h) Conduct surveys for and make recommendations as deemed necessary to the Office of Economic Development and the Governor's Workforce Investment Board; and

(i) Appoint a subcommittee on computer science consisting of at least three members to provide advice and recommendations to:

(1) The State Board of Education, the ~~[Council to Establish Academic Standards for Public Schools,]~~ *Department of Education*, the boards of trustees of school districts and the governing bodies of charter schools and university schools for profoundly gifted pupils concerning the curriculum and materials for courses in computer science and computer education and technology and professional development for teachers who teach such courses; and

(2) The Commission on Professional Standards in Education concerning the qualifications for licensing teachers and other educational personnel who teach courses in computer science or computer education and technology.

2. Each year the Council:

(a) Shall establish an event in southern Nevada and an event in northern Nevada to recognize pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics.

(b) Shall establish a statewide event to recognize schools in this State that have demonstrated exemplary performance in the fields of science, technology, engineering and mathematics.

(c) May accept any gifts, grants or donations from any source for use in carrying out the provisions of this subsection.

3. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

4. The State Board of Education and the Board of Regents of the University of Nevada shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to

paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1. The State Board of Education shall adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 52.3. Section 15 of chapter 334, Statutes of Nevada 2015, as amended by chapter 634, Statutes of Nevada 2019, at page 4499, is hereby amended to read as follows:

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a noncompetitive grants program. Grants must be awarded by the Department based upon a weighted formula which will allocate funds based on need and the pupil population of the school district, and improving the literacy of pupils enrolled in elementary schools in the school districts and charter schools and will be awarded to school districts, to school districts approved to sponsor charter schools and to charter schools that have been approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in elementary school established pursuant to NRS 388.157 and to support other school-based efforts to ensure that all pupils are performing at a level considered by the school district or charter school to be within the average range for pupils enrolled in each grade level. Such school-based efforts may include, without limitation:

(a) Hiring literacy specialists;

(b) Training literacy specialists;

(c) Entering into contracts with vendors for the purchase of evidence-based reading assessments, textbooks, computer software or other materials;

(d) Providing professional development for school personnel;

(e) Providing evidence-based programs to pupils before and after school and during intercessions or summer school; and

(f) Providing other evidence-based literacy initiatives for pupils enrolled in elementary school.

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

(a) Set measurable performance objectives based on aggregated pupil achievement data;

(b) Prepare and submit to the Department of Education, on or before July 1, 2020, a report that includes, without limitation:

(1) A description of the programs or services for which the money was used by each school; and

(2) The number of pupils who participated in a program or received services; and

(c) Not use the money to supplant other budgets in the school.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the ~~[programs or]~~ *effectiveness of* services ~~[paid for by a grant of money received]~~ *implemented* by a school district or charter school pursuant to subsection 1. *The evaluation shall begin at the conclusion of each odd-numbered school year and be completed on or before June 30 of the following calendar year. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.*

4. ~~[The Department of Education shall prepare a report that includes, without limitation:~~

~~(a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;~~

~~(b) The amount of money received by each school;~~

~~(c) A description of the programs or services for which the money was used by each school;~~

~~(d) The number of pupils who participated in a program or received services;~~

~~(e) The average expenditure per pupil for each program or service;~~

~~(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and~~

~~(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade 5.~~

~~5. On or before August 31, 2020, the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, 2020, the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.~~

~~6.]~~ Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 52.5. Section 1 of chapter 554, Statutes of Nevada 2019, at page 3460, is hereby amended to read as follows:

Section 1. 1. The elementary schools identified to operate as Zoom elementary schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom elementary schools for the 2019-2021 biennium.

2. Except as otherwise provided in subsection 3, the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Operate reading skills centers;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are English learners;

(d) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children; and

(f) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy or provide for an extended school day.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) and (b) of that subsection, and one of the programs prescribed in paragraph (f) of that subsection, so the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are English learners. A Zoom elementary school:

(a) Shall not use the money for any other purpose or use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2; and

(b) May only use the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2 if the board of trustees of the school district determines that such a use will not negatively impact the services provided to pupils enrolled in a Zoom elementary school.

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils;

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3; and

(c) Instructional intervention to enable pupils enrolled in grade 4 or 5 who were not able to overcome such problems and barriers by the completion of grade 3 to overcome them as soon as practicable.

5. The middle schools, junior high schools or high schools identified to operate as Zoom middle schools, junior high schools or high schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom middle schools, junior high schools and high schools, as applicable, for the 2019-2021 biennium.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are English learners and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is an English learner using the data available from applicable assessments of that pupil;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;

(d) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils;

(f) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are English learners;

(g) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy; and

(h) Provide for an extended school day.

➥ The Clark County School District and the Washoe County School District shall not use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) and may only use the money for the purposes described in paragraphs (c), (d) and (e) if the board of trustees of the school district determines that such use will not negatively impact the services provided to pupils enrolled in a Zoom middle school, junior high school or high school.

7. On or before August 1, 2019, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes:

(a) The names of the elementary schools operating as Zoom schools pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (f), inclusive, of subsection 2;

(b) The names of the middle schools, junior high schools and high schools operating as Zoom schools pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6; and

(c) Evidence of the progress of pupils at each Zoom school, as measured by common standards and assessments, including, without limitation, interim assessments identified by the State Board of Education, if the State Board has identified such assessments.

8. From the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are English learners or eligible for designation as English learners; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are English learners;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are English learners and technology-based tools, such as software, designed to support the learning of pupils who are English learners;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are English learners;

(4) The provision of programs and services for pupils who are English learners, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are English learners.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are English learners or eligible for designation as English learners, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 5 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 and may only use the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 if the board of trustees of the school district or the governing body of the charter school, as applicable, determines that such a use would not negatively impact the services provided to pupils enrolled in the school.

(b) Shall provide a report to the Department of Education in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2019, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are English learners or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are English learners or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall , *to the extent that money is available for that purpose*, contract for an independent evaluation of the effectiveness of ~~[the programs and]~~ services offered by ~~[each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs and services offered by the other]~~ school districts and ~~[the]~~ charter schools . ~~[pursuant to subsection 8.]~~ *The evaluation shall begin at the conclusion of each odd-numbered school year and be completed on or before June 30 of the following calendar year. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.*

15. ~~[The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:~~

~~(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.~~

~~(b) How much money each such school received.~~

~~(c) A description of the programs or services for which the money was used by each such school.~~

~~(d) The number of children who participated in a program or received services.~~

~~(e) The average per child expenditure per program or service that was funded.~~

~~(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.~~

~~(g) Any recommendations for legislation, including, without limitation:~~

~~(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are English learners.~~

~~(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are English learners from categorical funding to a weighted per pupil formula within the Nevada Plan.~~

~~(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):~~

~~(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;~~

~~(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and~~

~~(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.~~

~~16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2020, and January 16, 2021, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:~~

~~(a) On or before June 15, 2020, to the State Board of Education and the Legislative Committee on Education.~~

~~(b) On or before February 1, 2021, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.~~

~~17.]~~ The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

~~[18.]~~ *16.* The money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools must be accounted for separately from any other money

received by school districts or charter schools of this State and used only for the purposes specified in this section.

~~[19.]~~ *17.* Except as otherwise provided in paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8, the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

~~[20.]~~ *18.* Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

~~[21.]~~ *19.* As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 52.7. Section 2 of chapter 554, Statutes of Nevada 2019, at page 3466, is hereby amended to read as follows:

Sec. 2. 1. The Department of Education shall, in consultation with the board of trustees of a school district, designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

➥ The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.

2. The Department shall designate each Victory school for the 2019-2020 Fiscal Year on or before June 1, 2019.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2019 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2019, the board of trustees of each school district in which a Victory school is designated for the 2019-2020 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2019-2020 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2019, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive

plan required pursuant to subsection 5 by not later than September 15, 2019.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(c) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(d) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(e) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(f) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(g) Reading skills centers.

(h) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) If the Victory school is a high school, provide additional instruction or other learning opportunities for pupils and professional development for teachers at an elementary school, middle school or junior high school that is located within the zone of attendance of the high school and is not also designated as a Victory school; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Except as otherwise provided in paragraph (d) of subsection 9, be designed to meet the needs of pupils at the school, as determined using

the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall *, to the extent that money is available for that purpose,* contract with an independent evaluator to evaluate the effectiveness of ~~[programs and]~~ services ~~[provided]~~ *implemented in school districts and charter schools* pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have ~~[participated in such programs]~~ *been identified as at-risk* and received such services. *The evaluation shall begin at the conclusion of each odd-numbered school year and be completed on or before June 30 of the following calendar year.* When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. ~~[On or before November 30, 2020, and November 30, 2021, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:~~

~~(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;~~

~~(b) The amount of money distributed to each such school;~~

~~(c) A description of the programs or services for which the money was used;~~

~~(d) The number of pupils who participated in such programs or received such services;~~

~~(e) The average expenditure per pupil for each program or service that was funded; and~~

~~(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.~~

~~17.]~~ The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 ~~[and the reports received pursuant to subsection 16]~~ and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

~~[18.]~~ *17.* The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

~~[19.]~~ *18.* Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

~~[20.]~~ *19.* As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 53. ~~[The terms of all members of the Nevada Commission on Mentoring created by NRS 385.760 who are incumbent on June 30, 2021, expire on that date.]~~ (Deleted by amendment.)

Sec. 54. 1. The terms of all members of the committee on statewide school safety created by NRS 388.1324 who are incumbent on June 30, 2021, expire on that date.

2. As soon as practicable after July 1, 2021, the Superintendent of Public Instruction shall appoint members to the committee.

Sec. 55. The terms of all members of the State Financial Literacy Advisory Council created by NRS 388.5966 who are incumbent on ~~[June 30, 2021,]~~ December 31, 2023, expire on that date.

Sec. 56. The terms of all members of the Commission on Educational Technology created pursuant to NRS 388.790 who are incumbent on June 30, 2021, expire on that date.

Sec. 57. The terms of all members of the Competency-Based Education Network created pursuant to NRS 389.220 who are incumbent on June 30, 2021, expire on that date.

Sec. 58. The terms of all members of the Council to Establish Academic Standards for Public Schools created pursuant to NRS 389.510 who are incumbent on June 30, 2021, expire on that date.

Sec. 59. 1. The terms of all members of the Nevada State Teacher Recruitment and Retention Advisory Task Force created by NRS 391.492 who are incumbent on June 30, 2021, expire on that date.

2. As soon as practicable after July 1, 2021, the Superintendent of Public Instruction shall appoint members to the Task Force.

Sec. 60. The terms of all members of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130 who are incumbent on June 30, 2021, expire on that date.

Sec. 61. ~~[The terms of all members of each governing body of each regional training program for the professional development of teachers and administrators established pursuant to NRS 391A.150 who are incumbent on June 30, 2021, expire on that date.]~~ (Deleted by amendment.)

Sec. 62. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency 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. 63. 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. 64. 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. 65. 1. NRS 385.230, ~~[385.750, 385.760, 385.770, 385.780, 388.5966,]~~ 388.785, 388.789, 388.790, 388.795, 389.200, 389.210, 389.220, 389.230, 389.500, 389.505, 389.510, 390.700, 391A.105, 391A.110, 391A.130 ~~[,]~~ and 391A.140 ~~[, 391A.150, 391A.155 and 391A.160]~~ are hereby repealed.

2. NRS 388.5966 and 388.5968 are hereby repealed.

Sec. 66. 1. This section and sections 4.7, 52.3, 52.5 and 52.7 of this act become effective upon passage and approval.

2. Sections 1 to 4.5, inclusive, 5 to 52, inclusive, 53, 54, 56 to 64, inclusive, and subsection 1 of section 65 of this act ~~[becomes]~~ become effective on July 1, 2021.

3. Section 55 and subsection 2 of section 65 of this act become effective on December 31, 2023.

LEADLINES OF REPEALED SECTIONS

385.230 Annual report of the state of public education; contents of report; presentation and submission of report.

~~[385.750 "Commission" defined.~~

~~385.760 Creation; appointment of members; terms; vacancies in membership; replacement of members; compensation; administrative support.~~

~~385.770 Election of officers; meetings; quorum; authorized actions; submission of annual report.~~

~~385.780 Duties of Commission.]~~

388.5966 State Financial Literacy Advisory Council: Creation; membership; vacancies; officers; terms; quorum; subcommittees;

compensation; costs of employing substitute teacher while member who is teacher attends meeting; administrative support.

388.5968 State Financial Literacy Advisory Council: Duties.

388.785 "Commission" defined.

388.789 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.

388.790 Commission on Educational Technology: Creation; membership; terms; removal and vacancy; quarterly meetings required; compensation.

388.795 Commission on Educational Technology: Duties; establishment of plan for use of educational technology; administrative support by Department; assessment of needs of school districts relating to educational technology; advisory committee authorized.

389.200 "Competency-based education" defined.

389.210 Establishment of pilot program to provide competency-based education; regulations; requirements for schools selected to participate in program.

389.220 Competency-Based Education Network: Establishment; composition; duties; meetings; Chair; quorum; members serve without compensation.

389.230 Public campaign to raise awareness; meetings to inform superintendents of school districts; distribution of available money to carry out program.

389.500 "Council" defined.

389.505 Superintendent of Public Instruction required to ensure Council carries out duties successfully.

389.510 Creation; membership; terms; compensation.

390.700 Regulations relating to end-of-course finals.

391A.105 "Regional training program" defined.

391A.110 "Statewide Council" defined.

391A.130 Statewide Council for the Coordination of the Regional Training Programs: Creation; membership; terms; vacancy; compensation; cost of employing substitute teacher while member who teaches attends meeting; administrative support.

391A.140 Superintendent of Public Instruction required to ensure Statewide Council and regional training programs carry out duties successfully.

~~[391A.150 Membership; terms; vacancy.~~

~~391A.155 Meetings; no salary or compensation for expenses.~~

~~391A.160 Employment and salary of coordinator; duties of coordinator.]~~

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 218 to Senate Bill No. 76 makes several changes. It abolishes the requirement to establish a competency-based, education-pilot program and abolishes the State Financial Literacy Advisory Council on December 31, 2023, rather than June 30, 2021. It eliminates references to end-of-course examinations and allows dual-credit courses from out-of-state higher education institutions in certain circumstance. It removes language that abolishes the Nevada

Commission on Mentoring and, instead, eliminates the responsibility for Nevada's Department of Education (NDE) to support the Commission. It revises the Regional Professional Development Program (RPDP) provisions to restore school districts as the fiscal agents and clarifies such programs serve charter school teachers and administrators. It restores control of RPDPs by governing bodies with NDE still replacing the Statewide Council for the Coordination of the RPDPs. It makes the employee of NDE who serves on each RPDP governing body a voting, rather than nonvoting, member. It eliminates all reporting requirements by NDE or school districts relating to Zoom and Victory schools or the New Nevada Education Funding Plan and revises independent evaluation requirements relating to Zoom, Victory, Read by Grade 3 and the Great Teaching and Leading Fund. Finally. It also revises the membership of the Teachers and Leaders Council of Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 122.

Bill read second time.

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

Amendment No. 46.

SUMMARY—Requires certain health and safety training for certain employees of cannabis establishments. (BDR 53-663)

AN ACT relating to occupational safety; requiring certain employees of a cannabis establishment to receive certain health and safety training; requiring a cannabis establishment to suspend or terminate the employment of an employee who fails to complete such training; ~~[requiring the Cannabis Compliance Board to suspend the license of a cannabis establishment that fails to suspend or terminate the employment of such an employee;]~~ providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain employees performing work on construction sites, certain sites related to the entertainment industry and certain sites where exhibitions, conventions or trade shows occur to complete certain training courses relating to occupational health and safety. (NRS 618.950-618.9931) This bill enacts similar requirements for certain employees of cannabis establishments.

Section 11 of this bill requires: (1) employees of cannabis establishments who are not supervisory employees to complete a specified 10-hour health and safety course not later than 1 year after being hired; and (2) supervisory employees of cannabis establishments to complete a specified 30-hour course not later than 1 year after being hired. Section 11 requires that any costs associated with an employee completing such a course be paid by the cannabis establishment by which the employee is employed. Section 4 of this bill defines "employee" to mean a person who performs work at a cannabis establishment. However, section 4 excludes from the definition of "employee" a person: (1) whose primary occupation is to provide photography, media, marketing or legal services; or (2) who is a shareholder, officer, board member

or advisory board member of a cannabis establishment and who does not have an active role in the day-to-day operation of the cannabis establishment.

Section 9 of this bill requires the Division of Industrial Relations of the Department of Business and Industry to ~~[adopt regulations approving courses which may be used to fulfill the requirements of section 11.]~~ establish a registry to track providers of the required health and safety courses. Section 10 of this bill requires providers of ~~[approved]~~ the required health and safety courses to display the card evidencing their authorization by the Occupational Safety and Health Administration of the United States Department of Labor to provide such a course in a conspicuous manner at the location at which the course is being provided.

Section 12 of this bill requires a cannabis establishment to suspend or terminate the employment of an employee who fails to complete the required health and safety course. Section 13 of this bill provides ~~[that if the Division finds that a]~~ for administrative fines to be imposed upon a cannabis establishment that has failed to suspend or terminate an employee as required by section 12 . ~~[, the Division is required to report the violation to the Executive Director of the Cannabis Compliance Board. Section 14 of this bill authorizes the Executive Director to respond to a report of a violation of section 12 in the same manner as other reports of violations of existing law which are committed by cannabis establishments. Section 15 of this bill requires the Cannabis Compliance Board to suspend the license of a cannabis establishment that violates the provisions of section 12.]~~

Section 16 of this bill requires an employee of a cannabis establishment who was initially hired before July 1, 2021, to complete the 10-hour or 30-hour course specified in section 11, as applicable, not later than July 1, 2022.

~~[Section 8 of this bill authorizes the Division to adopt regulations as necessary to carry out the provisions of sections 2-13 of this bill.]~~ Sections 3-7 of this bill define words and terms for the purposes of sections 2-13.

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Cannabis establishment" has the meaning ascribed to it in NRS 678A.095.*

Sec. 4. *1. "Employee" means ~~[any]~~ a person ~~[employed by]~~ who performs work at a cannabis establishment.*

2. The term does not include a person:

(a) Whose primary occupation is to provide photography, media, marketing or legal services; or

(b) Who is a shareholder, officer, board member or advisory board member of a cannabis establishment and who does not have an active role in the day-to-day operation of the cannabis establishment.

Sec. 5. *"OSHA-10 course" means a 10-hour course in general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.*

Sec. 6. *"OSHA-30 course" means a 30-hour course in general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.*

Sec. 7. *"Supervisory employee" means any employee having authority in the interest of the cannabis establishment to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.*

Sec. 8. ~~*[The Division may adopt such regulations as are necessary to carry out the provisions of sections 2 to 13, inclusive, of this act.]*~~ (Deleted by amendment.)

Sec. 9. ~~*[1. The Division shall, by regulation, approve OSHA-10 courses and OSHA-30 courses for the purposes of fulfilling the requirements of section 11 of this act.*~~

~~*2.]*~~ *The Division shall establish a registry to track the providers of* ~~*[courses approved pursuant to subsection 1.]*~~ *OSHA-10 courses and OSHA-30 courses.*

Sec. 10. *1. Each trainer shall display his or her trainer card in a conspicuous manner at each location where the trainer provides an OSHA-10 course or OSHA-30 course.*

2. No person other than a trainer may provide an OSHA-10 course or OSHA-30 course.

3. As used in this section:

(a) "Trainer" means a person who is currently authorized by the Occupational Safety and Health Administration of the United States Department of Labor as a trainer, including, without limitation, a person who has completed OSHA 501, the Trainer Course in OSHA Standards for General Industry.

(b) "Trainer card" means the card issued upon completion of OSHA 501, the Trainer Course in OSHA Standards for General Industry, which reflects the authorization of the holder by the Occupational Safety and Health Administration of the United States Department of Labor to provide OSHA-10 courses and OSHA-30 courses.

Sec. 11. *1. Not later than 1 year after the date an employee other than a supervisory employee is hired, the employee must obtain a completion card for an OSHA-10 course* . ~~*[which is issued upon completion of a course approved by the Division pursuant to section 9 of this act.]*~~

2. Not later than 1 year after the date a supervisory employee is hired, the supervisory employee must obtain a completion card for an OSHA-30 course . ~~*[which is issued upon completion of a course approved by the Division pursuant to section 9 of this act.]*~~

3. Any costs associated with an employee obtaining a completion card pursuant to subsection 1 or 2 must be paid by the cannabis establishment by which the employee is employed.

Sec. 12. *1. If an employee other than a supervisory employee fails to present the cannabis establishment by which he or she is employed with a current and valid completion card for an OSHA-10 course as required pursuant to section 11 of this act, the cannabis establishment shall suspend or terminate his or her employment.*

2. If a supervisory employee fails to present the cannabis establishment by which he or she is employed with a current and valid completion card for an OSHA-30 course as required pursuant to section 11 of this act, the cannabis establishment shall suspend or terminate his or her employment.

Sec. 13. *1. If the Division finds that a cannabis establishment has failed to suspend or terminate an employee as required by section 12 of this act,* ~~*[it]*~~ *the Division shall* ~~*[report the violation to the Executive Director of the Cannabis Compliance Board, who shall proceed in the manner provided in NRS 678A.500.]*~~ *:*

(a) Upon the first violation, in lieu of any other penalty under this chapter, impose upon the cannabis establishment an administrative fine of not more than $500.

(b) Upon the second violation, in lieu of any other penalty under this chapter, impose upon the cannabis establishment an administrative fine of not more than $1,000.

(c) Upon the third and each subsequent violation, impose upon the cannabis establishment the penalty provided in NRS 618.635 as if the cannabis establishment had committed a willful violation.

2. For the purposes of this section, any number of violations discovered in a single day constitutes a single violation.

3. Before a fine or any other penalty is imposed upon a cannabis establishment pursuant to this section, the Division must follow the procedures set forth in this chapter for the issuance of a citation, including, without limitation, the procedures set forth in NRS 618.475 for providing notice to the cannabis establishment and an opportunity for the cannabis establishment to contest the violation.

Sec. 14. ~~[NRS 678A.500 is hereby amended to read as follows:~~

~~678A.500 1. If the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this~~

~~title , [or] any regulation adopted pursuant thereto [,] *or section 12 of this act,* the Executive Director may transmit the details of the suspected violation, along with any further facts or information related to the violation which are known to the Executive Director, to the Attorney General.~~

~~2. If any person other than the Executive Director becomes aware that a licensee or registrant has violated, is violating or is about to violate any provision of this title , [or] any regulation adopted pursuant thereto [,] *or section 12 of this act,* the person may file a written complaint with the Executive Director specifying the relevant facts. The Executive Director shall review each such complaint and, if the Executive Director finds the complaint not to be frivolous, may transmit the details of the suspected violation, along with any further facts or information derived from the review of the complaint to the Attorney General.~~

~~3. The employees of the Board who are certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500 shall cooperate with the Attorney General in the performance of any criminal investigation.]~~ (Deleted by amendment.)

Sec. 15. ~~[NRS 678A.600 is hereby amended to read as follows:~~

~~678A.600 If the Board finds that [a] :~~

~~*1. A* licensee or registrant has violated a provision of this title or any regulation adopted pursuant thereto, the Board may take any or all of the following actions:~~

~~[1.] *(a)* Limit, condition, suspend or revoke the license or registration card of the licensee or registrant.~~

~~[2.] *(b)* Impose a civil penalty in an amount established by regulation for each violation.~~

~~*2. A licensee has violated the provisions of section 12 of this act, the Board shall suspend the license of the licensee.]~~* (Deleted by amendment.)

Sec. 16. 1. Notwithstanding the provisions of section 11 of this act, an employee of a cannabis establishment who was initially hired before July 1, 2021, must obtain a completion card for an OSHA-10 course as required by subsection 1 of section 11 of this act or, if the employee is a supervisory employee, a completion card for an OSHA-30 course as required by subsection 2 of section 11 of this act, not later than July 1, 2022. Any costs associated with the employee obtaining such a card must be paid by the cannabis establishment by which the employee is employed.

2. As used in this section:

(a) "Cannabis establishment" has the meaning ascribed to it in section 3 of this act.

(b) "Employee" has the meaning ascribed to it in section 4 of this act.

(c) "OSHA-10 course" has the meaning ascribed to it in section 5 of this act.

(d) "OSHA-30 course" has the meaning ascribed to it in section 6 of this act.

(e) "Supervisory employee" has the meaning ascribed to it in section 7 of this act.

Sec. 17. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 46 makes several changes to Senate Bill No. 122. The amendment clarifies the definition of "employee" and to provide certain occupations that are not included in the term. It deletes provisions authorizing the Division of Industrial Relations (DIR) of the Department of Business and Industry to adopt regulations to carry out the provisions of this bill. It deletes provisions requiring the Cannabis Compliance Board to suspend the license of a cannabis establishment who fails to suspend or terminate an employee who fails to obtain a card stating that he or she completed the general industry safety and health hazard recognition and prevention training. It authorizes DIR to assess administrative fines against a cannabis establishment who fails to suspend or terminate an employee who fails to obtain a card stating that he or she completed the general industry safety and health-hazard recognition and prevention training.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 432.

SUMMARY—Revises provisions relating to library services in public schools. (BDR 34-76)

AN ACT relating to education; requiring each public school in a school district in certain larger counties and each large charter school in certain larger counties to establish and maintain a school library that meets certain standards; requiring the State Board of Education to adopt regulations prescribing the minimum standards for a school library; prescribing requirements and exceptions for employing a teacher librarian in a public school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of a school district to purchase all new library books which are necessary and have been approved by the State Board of Education to carry out the mandates of the school curriculum. (NRS 393.170)

Section 9 of this bill requires each public school in a school district located in a county whose population is 100,000 or more and each large charter school located in such a county (currently Clark and Washoe Counties) to establish and maintain a school library that provides library services to the pupils, teachers and administrators of the school. Section 9 requires the State Board of Education to adopt regulations that prescribe the minimum requirements of a school library.

With certain exceptions provided in section 11 of this bill, section 10 of this bill requires each public school and each large charter school to employ a

teacher librarian who: (1) provides library services in a school library; (2) holds a license to teach; and (3) holds ~~[a certification as a professional school library media specialist]~~ an appropriate endorsement issued by the ~~[National Board for Professional Teaching Standards.]~~ Department of Education. Section 10 prohibits the board of trustees of a school district and the governing body of a large charter school from giving preference to certain employees who provide library services. Section 11 provides that a school is not required to employ a teacher librarian if: (1) the school is unable to employ a teacher librarian and is granted a waiver by the superintendent of schools of the school district or the sponsor of the large charter school, as applicable, to jointly employ a teacher librarian with another such school; or (2) the school is located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), is unable to employ certain persons to provide library services and is granted a waiver by the State Board of Education.

Section 12 of this bill deems any school library assistant who is employed at a school in a school district or a large charter school to be a teacher librarian at that school for purposes of sections 10 and 11 of this bill until July 1, 2027, so that those school library assistants may perform the duties assigned to a teacher librarian set forth in this bill without obtaining a license to teach or any other credentials or endorsements until that date.

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 the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Large charter school" means a charter school that enrolls 500 or more pupils. The term does not include a charter school that only offers a full-time program of distance education.*

Sec. 4. *"Library services" means lending library books and other materials for use inside and outside of a school for a reasonable period of time at no charge, providing instruction on the access and use of library materials, teaching the proper and effective use of information technology, providing reference services and assistance to pupils and any other service prescribed by the Department by regulation.*

Sec. 5. *"Program of distance education" has the meaning ascribed to it in NRS 388.829.*

Sec. 6. *"School library" means an area or group of areas inside a school containing library books and other materials, including, without limitation, technology and paperback and hardcover books.*

Sec. 7. *"School library assistant" means a person who provides library services in a school library established and maintained pursuant to section 9 of this act, and includes a person:*

1. Employed as a paraprofessional to provide support in a school library; ~~[or]~~

2. Who holds an associate's degree or higher in library science ~~[.]~~ ; or

3. Who successfully completes an applicable alternative route to licensure program pursuant to NRS 391.019.

Sec. 8. *"Teacher librarian" means a person who qualifies as a teacher librarian pursuant to section 10 of this act.*

Sec. 9. *1. Each public school in a school district located in a county whose population is 100,000 or more and each large charter school located in such a county shall establish and maintain a school library that:*

(a) Provides library services to the pupils, teachers and administrators of the school; and

(b) Meets or exceeds any minimum requirements established by regulation by the State Board pursuant to subsection 2.

2. The State Board shall adopt regulations that prescribe the minimum requirements for a school library established pursuant to subsection 1. The regulations must include, without limitation:

(a) The minimum number of books, computers and other equipment that must be maintained at each school library;

(b) The type of facilities and the minimum amount of space that must be reserved for each school library which, except as otherwise provided in paragraph (c), must ~~[be not less than 7,000 square feet;]~~ include, at a minimum, a designated space accessible to pupils during school hours; and

(c) Methods for providing library services, to the greatest extent possible, to pupils in a public school for which physical space for such a school library may be impracticable, including, without limitation, a school with a limited number of rooms, substantially all of which are used for instruction, or a school which provides instruction through programs of distance education.

Sec. 10. *1. Except as otherwise provided in this section and section 11 of this act, each public school in a school district and each large charter school shall employ a teacher librarian.*

2. To qualify as a teacher librarian, a person must:

(a) Provide library services in a school library established and maintained pursuant to section 9 of this act; and

(b) Hold a current license to teach issued pursuant to chapter 391 of NRS ~~[;]~~ and

~~[(c) Hold a certification as a professional school library media specialist]~~ an endorsement to provide library services in a school library issued by the ~~[National Board for Professional Teaching Standards as described in NRS 391.163.]~~ Department pursuant to regulations adopted by the Department.

3. Until July 1, 2027, the board of trustees of a school district or the governing body of a large charter school, as applicable, shall not make a decision to lay off, dismiss, refuse to reemploy or otherwise terminate the employment of any person employed as a school library assistant to provide

support in a school library only to give preference to employing a teacher librarian.

Sec. 11. *1. If two public schools within a school district or two large charter schools with the same sponsor are unable to employ a teacher librarian as required by section 10 of this act, the schools may apply to the superintendent of schools of the school district or the sponsor of the large charter schools, as applicable, for a waiver to jointly employ one teacher librarian to provide library services for both of the schools. Such an application must identify the reasons each school is unable to employ a teacher librarian. The superintendent of schools of the school district or the sponsor of the large charter schools, as applicable, may approve such a waiver if the superintendent of schools or the sponsor, as applicable, determine that each school made a good faith effort to employ a teacher librarian, but was unable to do so.*

2. If a public school or a large charter school located in a county whose population is less than 100,000 is unable to employ a teacher librarian as required by section 10 of this act, the school may apply to the State Board for a waiver. Such an application must:

(a) Identify the reasons the school is unable to employ a teacher librarian; and

(b) Explain in detail the manner in which the school will provide library services to all pupils enrolled at the school.

3. A waiver granted pursuant to subsection 1 or 2 expires on June 30 of the following odd-numbered year.

Sec. 12. 1. A school library assistant who is employed at a school in a school district or a large charter school on July 1, 2021, shall be deemed to be a teacher librarian for purposes of sections 10 and 11 of this act at that school and any school within that school district or any large charter school which has the same sponsor, as applicable, without obtaining a license to teach or any additional credentials or endorsements until July 1, 2027.

2. As used in this section:

(a) "Large charter school" means a charter school that enrolls 500 or more pupils. The term does not include a charter school that only offers a full-time program of distance education.

(b) "School library assistant" means a person who provides library services in a school library established and maintained pursuant to section 9 of this act and includes a person:

(1) Employed as a paraprofessional to provide support in a school library; ~~[or]~~

(2) Who holds an associate's degree or higher in library science ~~[.]~~ ; or

(3) Who successfully completes an applicable alternative route to licensure program pursuant to NRS 391.019.

(c) "Teacher librarian" means a person who provides library services in a school library established and maintained pursuant to section 9 of this act, and ~~[includes a person who]~~ holds ~~[:~~

~~(1) A~~ a current license to teach issued pursuant to chapter 391 of NRS ~~;~~ and

~~(2) A certification as a professional school library media specialist~~ an endorsement to provide library services in a school library issued by the ~~National Board for Professional Teaching Standards as described in NRS 391.163.~~ Department of Education pursuant to regulations adopted by the Department.

Sec. 13. 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.

Sec. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 432 to Senate Bill No. 126 makes several changes. It amends section 7 regarding the "school library assistant" description to include a person who has successfully completed an alternative route to licensure program. It amends of section 9 to delete the required, minimum square footage for a school library established within each public school in larger counties and to, instead, require the State Board of Education to prescribe the type of facility and amount of space needed including, at a minimum, a designated space accessible to pupils during school hours. It amends section 10 to require the license and endorsement of a teacher librarian to be issued by Nevada's Department of Education rather than the National Board for Professional Teaching Standards.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 446.

SUMMARY—Revises provisions relating to mental health services for children. (BDR 39-870)

AN ACT relating to mental health; requiring certain psychiatric facilities to consult with the treating ~~psychiatrist~~ provider of health care of a child with an emotional disturbance who is ~~living outside his or her home~~ subject to the jurisdiction of a juvenile court under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a child to be taken into protective custody and placed outside of his or her home to protect the child from abuse, neglect or abandonment and in certain other circumstances. (NRS 432B.325-432B.400, 432B.410-432B.5908) ~~Existing law designates certain facilities of the~~

~~Division of Child and Family Services of the Department of Health and Human Services to provide services for the mental health of children. (NRS 433B.110) Existing law authorizes such a facility to treat a child with an emotional disturbance who is a resident of this State if: (1) the child is committed by court order; or (2) the child's parent, parents or legal guardian makes application for treatment for the child. (NRS 433B.310)]~~ This bill requires the administrative officer or staff of ~~[such]~~ a public or private inpatient psychiatric treatment facility to ask the person or entity having legal custody of a child with an emotional disturbance who ~~[has been placed outside his or her home for protective purposes]~~ is subject to the jurisdiction of a juvenile court for reasons relating to the protection of the child from abuse or neglect if the child has a treating ~~[psychiatrist before]~~ provider of healthcare when admitting the child . ~~[for inpatient care.]~~ If the child has a treating ~~[psychiatrist,]~~ provider of health care, this bill requires the administrative officer or staff of the facility to make a reasonable effort to consult with the treating ~~[psychiatrist. This bill prohibits the admission of the child for inpatient care against the recommendation of the child's treating psychiatrist unless avoiding admission is not practicable.]~~ provider of health care concerning the care to be provided to the child. If the child is admitted, this bill further requires the administrative officer or staff of the facility to: (1) ask the legal custodian of the child ~~[if he or she wishes for]~~ for consent and make a reasonable attempt to obtain consent from the child to allow the facility to ~~[consult]~~ coordinate the care of the child with the treating ~~[psychiatrist]~~ provider of health care on an ongoing basis ; ~~[concerning treatment of the child;]~~ and (2) ~~[ensure that such consultation occurs if requested by the child.]~~ make a reasonable attempt to coordinate with all treating providers of health care of the child concerning a plan to discharge the child from the facility.

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

Section 1. Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Before]~~ When admitting a child with an emotional disturbance who ~~[has been taken into protective custody or otherwise placed outside his or her home]~~ is subject to the jurisdiction of a juvenile court pursuant to chapter 432B of NRS to a public or private inpatient psychiatric treatment facility , ~~[or other division facility for inpatient care,]~~ the administrative officer of the facility or the staff of the administrative officer ~~[must]~~ shall ask the person or entity having legal custody of the child if the child has a treating ~~[psychiatrist.]~~ provider of health care. If the child has a treating ~~[psychiatrist,]~~ provider of health care, the ~~[administrator]~~ administrative officer or the staff of the ~~[administrator]~~ administrative officer must ~~[attempt]~~ make a reasonable effort to contact the treating ~~[psychiatrist.]~~ provider of health care.

2. If the administrative officer of a public or private inpatient psychiatric treatment facility ~~[or other division facility]~~ or the staff of the administrative

officer is able to contact the treating ~~[psychiatrist]~~ provider of health care pursuant to subsection 1, the administrative officer or staff ~~[:~~

~~(a) Must]~~ must make a reasonable effort to consult with and consider any input from the treating ~~[psychiatrist]~~ provider of health care concerning the care to be provided to the child, including, without limitation, the admission of the child . ~~[; and~~

~~(b) To the extent practicable, must not admit the child for inpatient care if the treating psychiatrist determines that such admission is not necessary.]~~

3. If a child is admitted to a public or private inpatient psychiatric treatment facility , ~~[or other division facility for inpatient care after consulting with the treating psychiatrist pursuant to subsection 2,]~~ the administrative officer of the facility or the staff of the administrative officer must:

(a) Ask the person or entity having legal custody of the child ~~[if he or she wishes for]~~ for consent and make a reasonable attempt to obtain the consent of the child to allow the facility to ~~[consult]~~ coordinate the care of the child with the treating ~~[psychiatrist]~~ provider of health care on an ongoing basis ; ~~[concerning treatment of the child;]~~ and

(b) ~~[If the child states that he or she wishes for the facility to consult with the treating psychiatrist on an ongoing basis, ensure that such consultation occurs.]~~ Make a reasonable attempt to coordinate with all treating providers of health care of the child concerning a plan to discharge the child from the facility.

4. Failure of a person or entity having legal custody of a child or a child to provide consent pursuant to paragraph (a) of subsection 3 must not prevent a facility from coordinating the care of the child with the treating provider of health care of the child on an ongoing basis when necessary to protect or improve the health or welfare of the child.

5. As used in this section, "treating ~~[psychiatrist"]~~ provider of health care" means, with respect to any child, a ~~[psychiatrist]~~ physician, a physician assistant who practices under the supervision of a psychiatrist, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or a psychologist who regularly provides mental or behavioral health treatment to the child.

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

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 446 to Senate Bill No. 146 clarifies that the bill relates to children with an emotional disturbance who are subject to the jurisdiction of a juvenile court under chapter 432B of NRS who are admitted to a public or private, inpatient psychiatric treatment facility. It requires a reasonable effort to be made to contact a child's behavioral health-care provider to provide information and coordinate care. It expands the type of health-care providers referenced in the bill from psychiatrists to also include psychologists, physicians, physician assistants who practice under the supervision of a psychiatrist and advanced-practice registered nurses who have psychiatric training and regularly provide mental- or behavioral-health treatment to the child.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 445.

SUMMARY—Revises requirements to receive assistance from the Kinship Guardianship Assistance Program. (BDR 38-504)

AN ACT relating to public welfare; revising requirements for a relative of a child in foster care to be eligible for assistance from the Kinship Guardianship Assistance Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program to provide assistance to a relative who becomes the legal guardian of a child in foster care. (NRS 432B.6201-432B.626) Existing law sets forth various criteria that a child and a relative must satisfy in order for the relative to be eligible for assistance pursuant to the Program ~~[. (NRS 432B.623) This bill eliminates the]~~ , including a requirement that ~~[for a relative to be eligible for such assistance,]~~ the child must not be able to permanently return to his or her home or be adopted. ~~[Thus, under this bill, the relative of a child who may be able to permanently return to his or her home or be adopted would be eligible for assistance pursuant to the Program if the relative and the child satisfied the other eligibility criteria set forth in existing law.]~~ (NRS 432B.623) This bill revises that requirement to require that, for a relative to be eligible for such assistance, an agency which provides child welfare services must determine that being returned home or adopted are not appropriate permanency options for the child.

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

Section 1. NRS 432B.623 is hereby amended to read as follows:

432B.623 1. As a condition to the provision of assistance pursuant to the Program:

(a) A child must:

(1) Have been removed from his or her home:

(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or

(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;

(2) For not less than 6 consecutive months, have resided with a relative of the child;

(3) ~~[Not have as an option for permanent placement the return to the home or the adoption of the child;~~

~~(4)]~~ Demonstrate a strong attachment to the relative; and

~~[(5)]~~ *(4)* If the child is 14 years of age or older, be consulted regarding the guardianship arrangement.

(b) A relative of the child must:

(1) Demonstrate a strong commitment to caring for the child permanently;

(2) Be a provider of foster care who is licensed by a licensing authority pursuant to NRS 424.030;

(3) Enter into a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child; and

(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court.

(c) An agency which provides child welfare services must determine that being returned home or adopted are not appropriate permanency options for the child.

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 2. This act becomes effective on July 1, 2021.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 445 to Senate Bill No. 158 provides that for a relative to be eligible for the Kinship Guardianship Assistance Program, a child-welfare services agency must determine that adoption or returning a child to his or her home are not appropriate permanency options for the child.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 186.

Bill read second time.

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

Amendment No. 412.

SUMMARY—Revises provisions relating to collection agencies. (BDR 54-582)

AN ACT relating to collection agencies; requiring a collection agency to file certain annual reports regarding debts collected for a homeowners' association; prohibiting a collection agency from collecting certain debts owed to certain persons related to or affiliated with an owner of the collection agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With one exception, a person is prohibited from conducting a collection agency or engaging in certain related activities in this State unless the person has been issued a license by the Commissioner of Financial Institutions. (NRS 649.075) Section 1 of this bill requires each licensed collection agency to file with the Commissioner an annual written report which includes certain information relating to cases in which the collection agency collected debts for a homeowners' association during the immediately preceding year.

Existing law prohibits a collection agency and its managers, agents and employees from engaging in certain practices. (NRS 649.375) Section 2 of this bill prohibits a collection agency and its managers, agents and employees from collecting a debt from a person who owes fees to a homeowners' association, an operator of a tow car or a property manager for an apartment building if the collection agency is owned by a person who is or is related to a person who holds an ownership interest in the community manager for the homeowners' association, the operator of the tow car or the property manager for the apartment building, or is or is related to an affiliate of the community manager, the operator of the tow car or the property manager.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:

Each licensed collection agency shall file with the Commissioner a written report not later than January 31 of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

1. The number of cases in which the collection agency collected a debt for a homeowners' association during the immediately preceding year;

2. The name of each homeowners' association for which the collection agency collected a debt during the immediately preceding year and the amount of money collected for each such homeowners' association;

3. The total amount of money collected by the collection agency for homeowners' associations during the immediately preceding year;

4. ~~[If available and without identifying any individual debtor, the race, ethnicity, gender identity or expression and sexual orientation]~~ The zip code of each debtor from whom the collection agency collected a debt for a homeowners' association during the immediately preceding year; and

5. A statement, signed by the manager of the collection agency, affirming that the collection agency did not collect a debt against any person during the immediately preceding year in violation of the provisions of subsection 9 of NRS 649.375.

Sec. 2. NRS 649.375 is hereby amended to read as follows:

649.375 A collection agency, or its manager, agents or employees, shall not:

1. Use any device, subterfuge, pretense or deceptive means or representations to collect any debt, nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

2. Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(a) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the creditor before receipt of the item of collection;

(b) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the collection agency and described as such in the first written communication with the debtor; or

(c) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

3. Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

4. Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner.

5. Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

6. Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

7. Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

8. Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a debt primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of the debtor's earnings or other money for apportionment and payment of the debtor's debts or obligations. This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

9. Collect a debt from a person who owes fees to:

(a) A homeowners' association, if the collection agency is:

(1) Owned or operated by or is an affiliate of a person or entity who is the community manager for the homeowners' association; or

(2) Owned or operated by a relative of a person who is the community manager for the homeowners' association.

(b) A person or entity who is an operator of a tow car, if the collection agency is:

(1) Owned or operated by or is an affiliate of a person or entity who is the operator of a tow car; or

(2) Owned or operated by a relative of a person who is the operator of a tow car.

(c) A person or entity who engages in the business of, acts in the capacity of or assumes to act as a property manager of an apartment building, if the collection agency is:

(1) Owned or operated by or is an affiliate of the person or entity who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building; or

(2) Owned or operated by a relative of the person who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building.

10. As used in this section:

(a) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with another designated person.

(b) "Community manager" has the meaning ascribed to it in NRS 116.023.

(c) "Operator of a tow car" means a person or entity required by NRS 706.4463 to obtain a certificate of public convenience and necessity.

(d) "Property manager" has the meaning ascribed to it in NRS 645.0195.

(e) "Relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 412 makes various changes to Senate Bill No. 186. The amendment deletes provisions that would have required a collection agency to include in the report to the Commissioner of Financial Institutions certain information concerning demographic information of a debtor. Instead, the amendment requires a collection agency to include in the report the zip code of each debtor from whom the collection agency collected a debt for a homeowners' association.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 220.

SUMMARY—Revises provisions relating to education. (BDR 34-676)

AN ACT relating to education; establishing a State Seal of Civics Program; requiring the Superintendent of Public Instruction to establish criteria for certain designations related to civics; ~~[establishing the Pupil Civic Advisory Panel;]~~ requiring a public high school to report certain test results to the Department of Education; requiring instruction provided in social studies to include civics and a service learning project; requiring that various communities be included in the standards of content and performance for ethnic and diversity studies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Superintendent of Public Instruction to establish various state seals to be awarded to pupils who graduate high school with a high level of proficiency in certain subjects. (NRS 388.591, 388.594, 388.596, 388.597) Section 2 of this bill similarly establishes a State Seal of Civics Program. Section 3 of this bill sets forth the criteria for earning a State Seal of Civics. ~~[Section 4 of this bill requires the Superintendent of Public Instruction to enter into a cooperative agreement with one or more community colleges, state colleges and universities to grant credit for courses in a subject at the community college, state college or university for which a pupil is awarded a State Seal.]~~

Section 5 of this bill requires the Superintendent of Public Instruction to adopt regulations that establish criteria for the Superintendent to designate a school, pupil or teacher or other school employee as a School of Civic Excellence, Student Civic Leader or Educator Civic Leader, respectively. ~~[Section 7 of this bill requires the Superintendent of Public Instruction to establish the Pupil Civic Advisory Panel.]~~

Under existing law, a public high school must administer an examination with questions identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration Services of the Department of Homeland Security and report the aggregate results of the examination to the board of trustees of the school district in which the high school is located. (NRS 389.009) Section 8 of this bill requires the board of trustees of each school district to report the results of the examination to the Department of Education.

Existing law designates various core academic subjects, including, without limitation, social studies, which includes only the subjects of history, geography, economics and government. (NRS 389.018) Section 9 of this bill adds civics to the list of subjects included within social studies. Beginning with the graduating class of 2027, section 9 requires instruction in social studies to require a pupil to complete a service learning project during high school. ~~[Sections 6 and]~~ Section 10 of this bill ~~[make]~~ makes a conforming ~~[changes]~~ change related to the addition of civics to social studies.

Under existing law, the Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for ethnic and diversity studies for certain pupils. The standards must, without

limitation, examine the culture, history and contributions of certain American communities. (NRS 389.525) Section 11 of this bill includes additional communities in the list of communities whose culture, history and contributions must be examined.

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 the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. The Superintendent of Public Instruction shall establish a State Seal of Civics Program to recognize pupils who graduate from a public high school, including, without limitation, a charter school and a university school for profoundly gifted pupils, who have attained a high level of proficiency in civics.*

2. The Superintendent of Public Instruction shall:

(a) Create a State Seal of Civics that may be affixed to the diploma and noted on the transcript of a pupil to recognize that the pupil has met the requirements of section 3 of this act; and

(b) Deliver the State Seal of Civics to each school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Civics Program.

3. Any school district, charter school and university school for profoundly gifted pupils may participate in the State Seal of Civics Program by notifying the Superintendent of Public Instruction of its intent to participate in the Program.

4. Each board of trustees of a school district and governing body of a charter school or university school for profoundly gifted pupils that participates in the State Seal of Civics Program shall:

(a) Identify the pupils who have met the requirements to be awarded the State Seal of Civics; and

(b) Affix the State Seal of Civics to the diploma and note the receipt of the State Seal of Civics on the transcript of each pupil who meets those requirements.

5. The Superintendent of Public Instruction may adopt regulations as necessary to carry out the provisions of this section and section 3 of this act.

Sec. 3. *1. A school district, charter school and university school for profoundly gifted pupils that participates in the State Seal of Civics Program established pursuant to section 2 of this act must award a pupil, upon graduation from high school, a high school diploma with a State Seal of Civics if the pupil:*

(a) Earns at least a ~~[2.5]~~ 3.25 grade point average ~~[,]~~ on a 4.0 grading scale ~~[,]~~ or, if a different grading scale is used, a 3.85 weighted grade point average on a grading scale approved by the Superintendent of Public Instruction.

(b) Demonstrates proficiency in civics by earning:

(1) At least 3 credits in social studies;

(2) A score of at least 85 percent on the examination for civics required pursuant to NRS 389.009; and

(3) A satisfactory score in citizenship.

(c) Completes a service learning project pursuant to NRS 389.018.

2. The Department shall develop a rubric and set forth a satisfactory score to determine if a pupil meets the requirements for a satisfactory score in citizenship for the purposes of subparagraph (3) of paragraph (b) of subsection 1.

Sec. 4. ~~[*1. The Superintendent of Public Instruction shall enter into a cooperative agreement with one or more community colleges, state colleges or universities to grant credit for courses in a subject at the community college, state college or university for which a pupil is awarded a State Seal pursuant to section 3 of this act.*~~

~~*2. Each cooperative agreement entered into pursuant to this section must include, without limitation:*~~

~~*(a) Provisions specifying the amount of credit to be granted to a pupil who is awarded a State Seal pursuant to section 3 of this act;*~~

~~*(b) A requirement that any credits earned by a pupil who is awarded a State Seal pursuant to section 3 of this act must be applied toward earning a credential, certificate or degree at the community college, state college or university that grants the credit;*~~

~~*(c) An explanation of the manner in which the tuition for the credit will be paid, including, without limitation, whether:*~~

~~*(1) The school district, charter school or university school for profoundly gifted pupils in which the pupil was enrolled when the pupil was awarded the State Seal pursuant to section 3 of this act will pay all or a portion of the tuition for the credit;*~~

~~*(2) The pupil is responsible for paying all or a portion of the tuition for the credit;*~~

~~*(3) Grants from the Department are available and will be applied to pay all or a portion of the tuition for the credit; and*~~

~~*(4) Any other funding source, including federal funding sources or sources from private entities, will be applied by the school district, charter school or university school for profoundly gifted pupils to pay all or a portion of the tuition for the credit; and*~~

~~*(d) Any other financial or other provisions that the school district, charter school or university school for profoundly gifted pupils and the community college, state college or university that provides the credit deem appropriate.*~~

~~*3. A community college, state college or university that grants credit to a pupil who is awarded a State Seal pursuant to section 3 of this act shall provide to the Nevada System of Higher Education and the Department a copy of each cooperative agreement entered into by the community college, state college or university pursuant to subsection 1.*~~

~~*4. The Nevada System of Higher Education and the Department shall retain a copy of each cooperative agreement entered into pursuant to this section.*~~] (Deleted by amendment.)

Sec. 5. *1. The Superintendent of Public Instruction may designate:*

(a) A school district, charter school or university school for profoundly gifted pupils as a Nevada School of Civic Excellence;

(b) A pupil as a Student Civic Leader; or

(c) A teacher or other school employee as an Educator Civic Leader.

2. The Superintendent of Public Instruction shall adopt regulations that set forth the criteria to earn a designation pursuant to subsection 1.

Sec. 6. ~~[NRS 388D.050 is hereby amended to read as follows:~~

~~388D.050 1. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English language arts, mathematics, science and social studies, including history, geography, economics , *civics* and government, as appropriate for the age and level of skill of the child as determined by the parent.~~

~~2. The educational plan must be included in the notice of intent to homeschool filed pursuant to NRS 388D.020. If the educational plan contains the requirements of NRS 388D.020, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court.~~

~~3. This section does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.~~] (Deleted by amendment.)

Sec. 7. ~~[Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Superintendent of Public Instruction shall establish the Pupil Civic Advisory Panel. The Panel shall consist of pupils who represent the geographic and cultural diversity of this State. The Superintendent of Public Instruction may appoint additional members to the Panel including, without limitation, teachers.*~~

~~*2. On or before February 1 of each odd-numbered year, the Panel shall submit a report on education in social studies, including, without limitation, civics, in this State to the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report may include, without limitation, any recommendations by the Panel for changes regarding education in social studies.*~~] (Deleted by amendment.)

Sec. 8. NRS 389.009 is hereby amended to read as follows:

389.009 1. A public high school shall administer an examination containing a number of questions, determined by the public high school, which are identical to the questions contained in the civics portion of the naturalization test adopted by the United States Citizenship and Immigration

Services of the Department of Homeland Security, to each pupil enrolled in the public high school.

2. A public high school shall:

(a) Determine the course in which the examination will be administered;

(b) Establish the number of questions which will be included on the examination, which must not be less than 50;

(c) Determine the desired score on the examination and the manner in which the results of the examination administered to a pupil will affect the grade of the pupil in the course in which the examination is administered; and

(d) Not later than August 31 of each year, aggregate the results of the examination for all pupils at the public high school and report the aggregated results to the board of trustees of the school district in which the public high school is located.

3. Except as otherwise provided in subsection 4, no pupil in any public high school may receive a certificate or diploma of graduation without having taken the examination described in subsection 1.

4. A pupil may receive a waiver from the examination administered pursuant to subsection 1 if:

(a) The pupil is a pupil with a disability and the waiver is in accordance with his or her individualized education program;

(b) The pupil is identified as an English learner and the public high school is unable to offer the examination in the language which would be most likely to provide accurate results for the pupil; or

(c) The principal or administrator of the public high school determines that the pupil has completed all other academic requirements to receive a certificate or diploma of graduation and has shown good cause for a waiver. The principal or administrator of a public high school shall not grant a waiver pursuant to this paragraph to more than 10 percent of each graduating class of the public high school.

5. *On or before December 31 of each year, the board of trustees of each school district shall report the aggregated results of the examination received by the board of trustees of the school district pursuant to subsection 2 to the Department.*

6. As used in this section, "public high school" includes, without limitation, any charter school that operates as a high school.

Sec. 9. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics , *civics* and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) American government;

(2) American history; and

(3) World history or geography.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

5. Commencing with the graduating class of 2027 and with each graduating class thereafter, instruction in social studies provided pursuant to subsection 2 must require, without limitation, a pupil to complete a service learning project. A pupil may complete a service learning project during any year of high school.

Sec. 10. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics , *civics* and government;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include mental health and the relationship between mental health and physical health.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 11. NRS 389.525 is hereby amended to read as follows:

389.525 1. The Council shall establish standards of content and performance for ethnic and diversity studies for pupils enrolled in high school. The Council shall develop the standards in consultation with:

(a) Faculty of ethnic or diversity studies at colleges and universities in this State that have an ethnic or diversity studies program;

(b) Representatives of the school districts in this State, a majority of whom are teachers in kindergarten through grade 12 and who have experience or an educational background in the study and teaching of ethnic or diversity studies; and

(c) Other qualified persons who represent the diverse communities of this State and the United States.

2. The standards established pursuant to subsection 1 must:

(a) Examine the culture, history and contributions of diverse American communities, including, without limitation, African Americans, Hispanic Americans, Native Americans, Asian Americans, European Americans, Basque Americans *, Pacific Islander Americans, Chicano Americans, Latino Americans, Middle Eastern Americans, women, persons with disabilities, immigrants or refugees, persons who are lesbian, gay, bisexual, transgender or questioning* and any other ethnic or diverse American communities the Council deems appropriate;

(b) Emphasize human relations, sensitivity towards all races and diverse populations and work-related cultural competency skills;

(c) Be written in a manner that allows a school district or charter school to modify the content to reflect and support the demographics of pupils in the community, as long as the prescribed standard is met; and

(d) Comply with any applicable admissions requirements for colleges and universities in this State.

3. The board of trustees of a school district and the governing body of a charter school that operates as a high school may provide instruction in ethnic and diversity studies to pupils enrolled in high school within the school district or in the charter school, as applicable. If provided, the instruction must comply with the standards of content and performance established by the Council pursuant to this section.

4. The State Board shall adopt such regulations as necessary to carry out the provisions of this section.

Sec. 12. ~~[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.]~~ (Deleted by amendment.)

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 220 to Senate Bill No. 194 revises the requirements necessary for a pupil to be awarded the State Seal of Civics upon high school graduation. It deletes section 4 concerning cooperative agreements between the Superintendent of Public Instruction and higher education institutions. It removes section 6 regarding the addition of civics to the social studies core academic subject for homeschooled children. It also deletes section 7 concerning the establishment of the Pupil Civic Advisory Panel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 221.

SUMMARY—Revises provisions relating to education. (BDR 34-181)

AN ACT relating to education; revising provisions relating to a program of instruction based on an alternative schedule; revising certain provisions relating to programs of distance education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that boards of trustees of school districts provide a minimum of 180 days of free school. Existing law authorizes the Superintendent of Public Instruction to authorize a school district to provide a program of instruction on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction provided in a program consisting of 180 days. (NRS 388.090) Section 1 of this bill removes certain limitations imposed by existing law on a program of instruction based on an alternative schedule. Existing law similarly requires the minutes of instruction provided by a full-time program of distance education to be equal to or greater than the number of minutes of instruction provided in a program consisting of 180 days. (NRS 388.842) Section 3 of this bill authorizes a pupil who demonstrates sufficient ~~[progress toward completion]~~ proficiency to meet the objectives of a course of distance education to complete the course in a shorter period of time than is normally allotted.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to provide a program of distance education. (NRS 388.820-388.874) Under existing law, the Department of Education is required to publish a list of courses of distance education. (NRS 388.834) Existing law authorizes the board of trustees of a school district or the governing body of a charter school to apply to the Department to provide a

program of distance education. (NRS 388.838) Section 2 of this bill requires the board of trustees of a school district and the governing body of a ~~[charter]~~ university school for profoundly gifted pupils to: (1) develop a plan for conducting a program of distance education; (2) present the plan to the public or the sponsor of the ~~[charter]~~ university school ~~[,]~~ for profoundly gifted pupils, as applicable; (3) provide a copy of the plan to the school community, parents and employees of the school district or ~~[charter]~~ university school ~~[;]~~ for profoundly gifted pupils; and (4) ~~[identify pupils and school employees who do not have access to the technology necessary to participate in a program of distance education; and (5)]~~ develop and implement a plan to make necessary technology available to such pupils and school employees. Section 2 of this bill imposes similar requirements on the governing body of a charter school and additionally requires a governing body to submit such a plan in a request to amend the charter contract of the charter school. Section 4.5 of this bill makes a conforming change related to a program of distance education provided by a university school for profoundly gifted pupils. Existing law also requires the board of trustees of a school district or the governing body of a charter school to ensure that in a course offered through a program of distance education, a teacher enters into a written agreement with the pupil and the parent or legal guardian of the pupil regarding the course. (NRS 388.866) Section 4 of this bill instead requires the teacher to provide information regarding the course to the pupil and the parent or legal guardian of the pupil.

Section 1.5 of this bill amends the definition in existing law of "distance education" to include both synchronous and asynchronous instruction. (NRS 388.826) Existing law establishes the eligibility of a pupil to enroll in a program of distance education. (NRS 388.850) Section 3.5 of this bill revises the circumstances in which a pupil is eligible to enroll in such a program.

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

Section 1. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section and NRS 388D.330, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. ~~[If a~~

~~school district is located in a county whose population is 100,000 or more, the board of trustees of the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district:~~

~~(a) Will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 6; or~~

~~(b) Is designed solely for the purpose of providing regular professional development to educational personnel and such professional development is focused on analyzing and discussing measures of the performance of pupils and identifying appropriate instructional strategies to improve the achievement of pupils.]~~

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. ~~[Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.]~~

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section and NRS 388.095 and 388.097 must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

~~[6. The State Board shall adopt regulations defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.]~~

Sec. 1.5. NRS 388.826 is hereby amended to read as follows:

388.826 "Distance education" means *synchronous or asynchronous* instruction which is delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 2. NRS 388.838 is hereby amended to read as follows:

388.838 1. The board of trustees of a school district or the governing body of a charter school *or a university school for profoundly gifted pupils* may submit an application to the Department to provide a program of distance education. In addition, a committee to form a charter school may submit an application to the Department to provide a program of distance education if the application to form the charter school submitted by the committee pursuant to NRS 388A.246 indicates that the charter school intends to provide a program of distance education.

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the Department pursuant to NRS 388.834 or a program that is comprised of one or more courses ~~[of distance education which have not been reviewed by the Department before submission of the application.]~~ *contained in the model curriculum of the school district or charter school.*

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the State Board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the Department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the Department pursuant to NRS 388.834 before submission of the application.

(c) A description of how the program will ensure access to technology for pupils and teachers or other school employees and communicate with pupils, their families and staff regarding the program of distance education.

4. Except as otherwise provided in this subsection, the Department shall approve an application submitted pursuant to this section if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations. The Department shall deny an application to provide a program of distance education submitted by a committee to form a charter school if the Department denies the application to form a charter school submitted by that committee. The Department shall provide written notice to the applicant of the Department's approval or denial of the application.

5. If the Department denies an application, the Department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The Department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations.

6. The board of trustees of each school district and the governing body of each ~~[charter]~~ university school for profoundly gifted pupils that provides a program of distance education shall:

(a) Develop a plan for conducting a program of distance education.

(b) Present ~~[its]~~ the plan for conducting a program of distance education to ~~[, if the plan was developed by the board of trustees of a school district,]~~ the public at a public meeting or, if the plan was developed by the governing body of a ~~[charter]~~ university school ~~[,]~~ for profoundly gifted pupils, the sponsor of the ~~[charter]~~ university school at least ~~[20]~~ 45 days before the first day of each school year.

(c) Provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the school district or ~~[charter]~~ university school ~~[.]~~ for profoundly gifted pupils.

(d) ~~[On or before October 1 of each year, identify the pupils and teachers or other school employees enrolled in or employed by each school within the school district or charter school who do not have access to the technology necessary to participate in a program of distance education, including, without limitation, a computer or Internet access.~~

~~(e)~~ On or before December 31 of each year, develop a plan to make technology available to all pupils and teachers or other school employees ~~[identified pursuant to paragraph (d).]~~ involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The board of trustees of each school district and governing body of each ~~[charter]~~ university school for profoundly gifted pupils shall post the plan created pursuant to this paragraph on its Internet website.

(e) On or before August 1 of each year, implement the plan developed pursuant to paragraph (d).

7. The governing body of each charter school:

(a) Shall develop a plan for conducting a program of distance education for at least 10 school days in the event of an emergency that necessitates the closing of all public schools in this State.

(b) Present its plan for conducting a program of distance education to the sponsor of the charter school at least 45 days before the first day of each school year.

(c) May develop a plan for conducting a program of distance education outside of an emergency that necessitates the closing of all public schools in this State.

(d) If a plan for conducting a program of distance education is developed pursuant to paragraph (c), shall submit the plan as part of a written request for an amendment of the charter contract pursuant to NRS 388A.276.

(e) Shall provide a copy of the plan for conducting a program of distance education to the school community, parents and employees of the charter school.

(f) Shall, on or before December 31 of each year, develop a plan to make technology available to all pupils and teachers involved in a program of distance education. The plan must include, without limitation, an estimate of the cost to make technology available to the pupils and teachers or other school employees. The governing body of each charter school shall post the plan created pursuant to this paragraph on its Internet website.

Sec. 3. NRS 388.842 is hereby amended to read as follows:

388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

3. A pupil enrolled in a program of distance education on a full-time basis who demonstrates sufficient ~~[progress toward completion]~~ proficiency to meet the objectives of a course of distance education may complete the course of distance education in a shorter period of time than is normally allotted for the course of distance education.

Sec. 3.5. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education unless:

(a) Pursuant to this section or other specific statute, the pupil is not eligible for enrollment or the pupil's enrollment is otherwise prohibited;

(b) *The school district in which the pupil resides offers a full-time program of distance education that is the same or substantially similar to the program of distance education in which the pupil wishes to enroll;*

(c) The pupil fails to satisfy the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; or

~~[(c)]~~ *(d)* The pupil fails to satisfy the requirements of the program of distance education.

2. ~~[A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.~~

~~3.]~~ If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

3. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

Sec. 4. NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing

body of a charter school that provides a program of distance education shall ensure that:

(a) For each course offered through the program, a teacher:

(1) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course;

(2) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress; and

(3) ~~[Enters into a written agreement with]~~ *Provides* the pupil and the pupil's parent or legal guardian ~~[outlining]~~ *with* the objectives of the course, the timeline for completion of the course and the method by which the progress of the pupil will be assessed; or

(b) The program satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a:

(a) Licensed teacher; or

(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he or she provides instruction at a community college or university.

Sec. 4.5. NRS 388C.130 is hereby amended to read as follows:

388C.130 1. The governing body of a university school for profoundly gifted pupils may provide a program of distance education for any pupil or prospective pupil who is otherwise eligible to attend the school. *If the governing body of a university school provides a program of distance education, the governing body must comply with the provisions of subsection 6 of NRS 388.838.*

2. As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the pupil receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ 4.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 221 to Senate Bill No. 215 makes several changes to the bill. It requires the plan to provide technology to also include a description of how the program will communicate with families, students and staff. It revises requirements concerning distance education programs generally by including a university school for profoundly gifted pupils as an entity that may submit an application for such a program. It removes the requirement to identify certain individuals who do not have access to the technology necessary for such programs including distance education, plan implementation language. It expands the definition of "distance learning" to include synchronous and asynchronous learning and the delivery of instruction for geographically separated participants and clarifies that if a student demonstrates proficiency in a distance education program, the student may complete the course in a shorter period of time. It amends the existing definition of distance education. It imposes similar requirements for charter school governing bodies and requires a governing body to submit its plan as part of a request for an amendment to a charter contract.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 392.

SUMMARY—Creates the Division of Supplier Diversity within the Office of Economic Development. (BDR 18-572)

AN ACT relating to economic development; creating the Division of Supplier Diversity in the Office of Economic Development; requiring the Executive Director of the Office of Economic Development to appoint the Administrator of the Division; setting forth the duties of the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates, within the Office of the Governor, the Office of Economic Development, which consists of the Division of Economic Development and the Division of Motion Pictures. (NRS 231.043) Section 2 of this bill creates a Division of Supplier Diversity within the Office of Economic Development. Section 1 of this bill requires the Division of Supplier Diversity to: (1) conduct outreach to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses, ~~[and small]~~ businesses owned by persons with a disability and local emerging small businesses to inform such businesses of contracting and procurement opportunities; (2) provide training and assistance to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability and local emerging small businesses to assist such businesses in obtaining government contracts ~~[;]~~ and participating in the state and local governmental procurement process; (3) develop and implement an online data dashboard to provide information pertaining to the awarding of government contracts ~~[;]~~ and purchase orders; (4) submit an annual report to the Governor and Legislative Counsel Bureau relating to the online data dashboard; (5) establish a database

of minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses ~~,~~ ~~[and small]~~ businesses owned by persons with a disability ~~[;]~~ and local emerging small businesses; (6) establish annual goals concerning the awarding of contracts to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses ~~,~~ ~~[and small]~~ businesses owned by persons with a disability ~~[;]~~ and local emerging small businesses; (7) coordinate with existing diversity supplier programs implemented by other governmental entities or organizations within the State; (8) consolidate information contained in reports submitted to the Office of Economic Development concerning local emerging small businesses; (9) prepare a report regarding the policies and programs implemented by the Division; and (10) provide transparency into the state and local governmental procurement process. Section 1 further requires all state and local governmental agencies to cooperate with the Division of Supplier Diversity.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Executive Director shall appoint the Administrator of the Division of Supplier Diversity.

2. The Division of Supplier Diversity shall:

(a) Conduct outreach to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses ~~,~~ ~~[and small]~~ businesses owned by persons with a disability and local emerging small businesses to inform such businesses of both private and public sector contracting and procurement opportunities;

(b) Provide information, educational training and assistance to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses ~~,~~ ~~[and small]~~ businesses owned by persons with a disability and local emerging small businesses to assist such businesses in obtaining state and local government contracts ~~[.]~~ and participating in the state and local governmental procurement process. The educational training and assistance must include, without limitation, in-person or online training to help such businesses:

(1) Register as ~~[vendors]~~ suppliers and apply for state and local government purchasing contracts;

(2) Improve marketing strategies to increase procurement opportunities; and

(3) Gain an understanding of any insurance or bonding requirements to participate in the government procurement process;

(c) Develop and implement an online data dashboard that provides for each fiscal year:

(1) The procurement thresholds for state and local governmental agencies;

(2) ~~[The actual dollar amount and procurement category of each contract awarded;~~

~~*(3) The actual dollar amount and procurement category of each contract awarded to minority-owned small businesses, women-owned small businesses and small businesses owned by persons with a disability;*~~

~~*(4)]*~~ *The total dollar amount of all ~~[contracts awarded;]~~ purchases by state and local governmental agencies;*

~~*[(5)]*~~ *(3) The total dollar amount of all ~~[contracts awarded to]~~ purchases by state and local governmental agencies from minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability ~~[;]~~ and local emerging small businesses;*

~~*[(6)]*~~ *(4) The total dollar amount of all ~~[contracts awarded to]~~ purchases from minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability and local emerging small businesses by demographic;*

~~*[(7)]*~~ *(5) The total dollar amount of all ~~[contracts awarded]~~ purchases by each state and local governmental agency;*

~~*[(8)]*~~ *(6) The total dollar amount of all ~~[contracts awarded to]~~ purchases from minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability and local emerging small businesses by each state and local governmental agency;*

~~*[(9)]*~~ *(7) The total number of contracts or purchase orders awarded ~~[;]~~ by state and local governmental agencies; and*

~~*[(10)]*~~ *(8) The total number of contracts or purchase orders awarded by state and local governmental agencies to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability ~~[;]~~ and local emerging small businesses;*

(d) Submit an annual report of the information described in paragraph (c) to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission;

(e) Establish a centralized database of minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability ~~[,]~~ and local emerging small businesses which can be shared with state and local governmental agencies;

(f) Establish annual goals concerning the awarding of contracts to minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses , ~~[and small]~~ businesses owned by persons with a disability ~~[,]~~ and local emerging small businesses;

(g) Coordinate the activities and goals of the Division with those of existing diversity supplier programs implemented by other governmental entities or organizations within the State, including, without limitation, the Nevada System of Higher Education, the Department of Transportation, the Office of Economic Development, and the Regional Business Development Advisory Council for Clark County;

(h) Consolidate information contained in reports submitted to the Office of Economic Development pursuant to NRS 332.201 and 333.177 concerning local emerging small businesses;

(i) Prepare, in cooperation with the Regional Business Development Advisory Council for Clark County, a written report regarding the policies and programs implemented by the Division of Supplier Diversity, including, without limitation, any data or information submitted by state and local governmental agencies to the Office of Economic Development concerning local ~~[or]~~ emerging small businesses, minority-owned ~~[small]~~ businesses, women-owned ~~[small]~~ businesses or ~~[small]~~ businesses owned by persons with a disability; and

(j) Provide transparency into the state and local governmental procurement process.

3. All state and local governmental agencies shall cooperate with the Division of Supplier Diversity in carrying out the provisions of this section.

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

Sec. 2. NRS 231.043 is hereby amended to read as follows:

231.043 1. There is hereby created within the Office of the Governor the Office of Economic Development, consisting of:

(a) A Division of Economic Development; ~~[and]~~

(b) A Division of Motion Pictures ~~[.]~~ *; and*

(c) A Division of Supplier Diversity.

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 3. 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.

Sec. 4. 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. 5. This act becomes effective on July 1, 2021.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 392 makes several changes to Senate Bill No. 255. First, the types of businesses that will be served by the Division of Supplier Diversity is revised to include local-emerging small businesses as that term is defined in current law in NRS 231.1402. Second, references to "small" are removed throughout the bill to provide that the Division will provide information and services to all minority-owned businesses, women-owned businesses and businesses owned by persons with a disability. Third, the required outreach information, educational training and assistance to be provided by the Division is expanded to also include information related to State and local government procurement opportunities. Finally, the information required to be included in the online data dashboard is revised by eliminating certain reports from the dashboard and revising various other reports to include data related to purchases, rather than contracts awarded, by State and local governments.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 293.

Bill read second time.

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

Amendment No. 416.

SUMMARY—Revises provisions relating to employment. (BDR 53-907)

AN ACT relating to employment; prohibiting an employer or employment agency from seeking or relying on the wage or salary history of an applicant for employment; prohibiting an employer or employment agency from refusing to interview, hire, promote or employ an applicant or from discriminating or retaliating against an applicant if the applicant does not provide wage or salary history; prohibiting the governing body of a county, incorporated city or unincorporated town or an appointing authority from performing such actions; ~~[providing that an applicant may voluntarily disclose his or her]~~ requiring an employer, an employment agency, the governing body of a county, incorporated city or unincorporated town and an appointing authority to provide the wage or salary ~~[history and that an employer, employment agency, governing body of a county, incorporated city or unincorporated town or an appointing authority may consider such voluntarily disclosed wage or salary history in determining the rate of pay for the applicant;]~~ range or rate for a position, promotion or transfer to a new position if certain conditions are satisfied; providing that an employer, an employment agency, the governing body of a county, incorporated city or unincorporated town or an appointing authority may ask an applicant about his or her wage or salary expectations; providing that a violation of such provisions is an unlawful employment practice; providing that a person may file a complaint for a violation of such provisions; providing that an employer or employment agency that violates such provisions may be subject to certain administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law deems certain employment practices as unlawful and prohibits certain employers, employment agencies and labor organizations from engaging in such practices. (NRS 613.330-613.345) ~~[With certain exceptions, this prohibition only applies to employers who have 15 or more employees for each working day in each of 20 or more calendar weeks, either in the same or the preceding calendar year as when an unlawful employment practice occurred. (NRS 613.310)]~~ Section ~~[1]~~ 1.3 of this bill prohibits ~~[such]~~ an employer or an employment agency from: (1) seeking the wage or salary history of an applicant for employment; (2) relying on the wage or salary history of an applicant to determine whether to offer employment to the applicant or to determine the rate of pay for the applicant; or (3) refusing to interview, hire, promote or employ an applicant or discriminating or retaliating

against an applicant if the applicant does not provide wage or salary history. Section ~~[1 does not prohibit]~~ 1.3 requires an employer or employment agency to provide to an applicant for employment ~~[from voluntarily and without prompting disclosing his or her]~~ who has completed an interview for a position: (1) the wage or salary ~~[history to a prospective employer or to an employment agency. If an applicant for employment makes such a voluntary disclosure, an employer or employment agency may consider or rely on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]~~ range or rate for the position; and (2) the wage or salary range or rate for a promotion or transfer to a new position if certain conditions are satisfied. Additionally, section ~~[1]~~ 1.3 provides that an employer or employment agency may ask an applicant for employment about his or her wage or salary expectation for the position for which the applicant is applying. Furthermore, section ~~[1]~~ 1.3 provides that : (1) a violation of section ~~[1]~~ 1.3 is an unlawful employment practice ; (2) a person may file a complaint with the Labor Commissioner concerning such a violation; and ~~[that]~~ : (3) a violation of section ~~[1]~~ 1.3 may be subject to administrative penalties. If a person files such a complaint, section 1.7 of this act requires the Labor Commissioner to issue, upon request, a right-to-sue notice if at least 180 days have passed after the complaint was filed. Sections 2-8 of this bill make conforming changes by ~~[indicating the proper placement of section 1 in the Nevada Revised Statutes.]~~ applying certain provisions and prohibitions to section 1.3. Section 5 of this bill provides that nothing contained in section ~~[1]~~ 1.3 applies to certain businesses or enterprises on or near an Indian reservation. ~~[Additionally, sections 6-8 of this bill apply certain procedures involving complaints filed with the Nevada Equal Rights Commission to a violation of section 1.]~~

Section 9 of this bill prohibits the governing body of a county, a county officer or other person acting on behalf of a county from: (1) seeking the wage or salary history of an applicant for employment; (2) relying on the wage or salary history of an applicant to determine whether to offer employment to the applicant or to determine the rate of pay for the applicant; or (3) refusing to interview, hire, promote or employ an applicant or discriminating or retaliating against an applicant because the applicant does not provide wage or salary history. Section 9 ~~[does not prohibit]~~ requires the governing body of a county, a county officer or other person acting on behalf of a county to provide to an applicant for employment ~~[from voluntarily and without prompting disclosing his or her]~~ who has completed an interview for a position: (1) the wage or salary ~~[history to the governing body of a county, a county officer or other person acting on behalf of a county. If an applicant for employment makes such a voluntary disclosure, the governing body of a county, county officer or other person may consider or rely on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]~~ range or rate for the position; and (2) the wage or salary range or rate for a promotion or transfer to a new position if certain conditions are satisfied. Finally, section 9 provides that the governing body of a county, county officer or other person may ask an

applicant for employment about his or her wage or salary expectation for the position for which the applicant is applying. Sections 10-12 of this bill establish similar provisions for the governing body of an incorporated city, a city officer, the governing body of an unincorporated town or any other person acting on behalf of an unincorporated town and an appointing authority. Section ~~[1]~~ 1.3 provides that it is an unlawful employment practice for the governing body of a county, incorporated city or unincorporated town or for an appointing authority to violate any provision of sections 9-12, as applicable.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. 1. An employer or an employment agency shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) ~~[Except as otherwise provided in subsection 2, the]~~ The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. ~~[Nothing in this section prohibits]~~ An employer or an employment agency, as applicable, shall provide:

(a) To an applicant for employment ~~[from voluntarily and without prompting disclosing his or her]~~ who has completed an interview for a position, the wage or salary ~~[history to a prospective employer or to an employment agency. If an applicant for employment voluntarily and without prompting discloses his or her wage or salary history to a prospective employer or to an employment agency, nothing in this section prohibits that employer or employment agency from considering or relying on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]~~ range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits an employer or employment agency from asking an applicant for employment about his or her wage or salary expectation for the position for which the applicant is applying.

4. It is an unlawful employment practice for:

(a) An employer or an employment agency to violate any provision of this section; and

(b) The governing body of a county, incorporated city or unincorporated town or an appointing authority governed by the provisions of chapter 284 of NRS to violate any provision of section 9, 10, 11 or 12 of this act, as applicable.

5. A person may file with the Labor Commissioner a complaint against an employer or employment agency, as applicable, for engaging in an unlawful employment practice specified in subsection 4.

6. In addition to any other remedy or penalty, the Labor Commissioner may impose against any employer or employment agency or any agent or representative thereof that is found to have violated any provision of this section an administrative penalty of not more than $5,000 for each such violation.

~~[6.]~~ *7. If an administrative penalty is imposed pursuant to this section, the costs of the proceeding, including, without limitation, investigative costs and attorney's fees, may be recovered by the Labor Commissioner.*

~~[7.]~~ *8. As used in this section ~~[, "wage]~~ :*

(a) "Employer" means a public or private employer in this State, including, without limitation:

(1) The State of Nevada;

(2) An agency of this State;

(3) A political subdivision of this State; and

(4) Any entity governed by section 9, 10, 11 or 12 of this act.

(b) "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

(c) "Wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 1.7. If a person files a complaint with the Labor Commissioner pursuant to section 1.3 of this act which alleges an unlawful employment practice, the Labor Commissioner shall issue, upon request from the person, a right-to-sue notice if at least 180 days have passed after the complaint was filed. The person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint, and the notice must so indicate.

Sec. 2. ~~[NRS 613.310 is hereby amended to read as follows:~~

~~613.310 As used in NRS 613.310 to 613.4383, inclusive, *and section 1 of this act,* unless the context otherwise requires:~~

~~1. "Disability" means, with respect to a person:~~

~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;~~

~~(b) A record of such an impairment; or~~

~~(c) Being regarded as having such an impairment.~~

~~2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:~~

~~(a) The United States or any corporation wholly owned by the United States.~~

~~(b) Any Indian tribe.~~

~~(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).~~

~~3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.~~

~~4. "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.~~

~~5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.~~

~~6. "Person" includes the State of Nevada and any of its political subdivisions.~~

~~7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.~~] (Deleted by amendment.)

Sec. 3. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.4383, inclusive, *and section* ~~[1]~~ *1.3 of this act* do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.4383, inclusive, *and section* ~~[1]~~ *1.3 of this act* concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 4. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.4383, inclusive, *and section* ~~[1]~~ *1.3 of this act* or

because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.4383, inclusive ~~[.]~~ , *and section ~~[1]~~ 1.3 of this act.*

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 5. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.4383, inclusive, *and section ~~[1]~~ 1.3 of this act* applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 6. ~~[NRS 613.405 is hereby amended to read as follows:~~

~~613.405 1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.4383, inclusive, *and section 1 of this act* may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.~~

~~2. Any person injured by an unlawful employment practice within the scope of paragraph (c) of subsection 1, paragraph (c) of subsection 2, paragraph (c) of subsection 3, subsection 7 or subsection 8 of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.~~

~~3. Any person injured by an unlawful employment practice within the scope of NRS 613.4353 to 613.4383, inclusive, *and section 1 of this act* may file a complaint to that effect with the Nevada Equal Rights Commission if the~~

~~complaint is based on an employer's failure to comply with the provisions of NRS 613.4353 to 613.4383, inclusive.]~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 613.420 is hereby amended to read as follows:~~

~~613.420 1. If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, *and section 1 of this act* has occurred, the Commission shall issue:~~

~~(a) A letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 2; and~~

~~(b) A right-to-sue notice. The right-to-sue notice must indicate that the person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint.~~

~~2. If the Nevada Equal Rights Commission has issued a right-to-sue notice pursuant to this section or NRS 613.412, the person alleging such a practice has occurred may bring a civil action in the district court not later than 90 days after the date of receipt of the right-to-sue notice for any appropriate relief, including, without limitation, an order granting or restoring to that person the rights to which the person is entitled under those sections.]~~ (Deleted by amendment.)

Sec. 8. NRS 613.432 is hereby amended to read as follows:

613.432 If a court finds that an employee has been injured by an unlawful employment practice within the scope of this section and NRS 613.310 to 613.4383, inclusive, *and section ~~[1]~~ 1.3 of this act*, the court may award the employee the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., if the employee is protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330.

Sec. 9. Chapter 245 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners, a county officer or any other person acting on behalf of a county shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the county;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) ~~[Except as otherwise provided in subsection 2, the]~~ The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. ~~[Nothing in this section prohibits]~~ A board of county commissioners, a county officer or any other person acting on behalf of a county shall provide:

(a) To an applicant for employment by a county ~~[from voluntarily and without prompting disclosing his or her]~~ who has completed an interview for a position the wage or salary ~~[history to the board of county commissioners, a county officer or any other person acting on behalf of the county. If an applicant for employment by a county voluntarily and without prompting discloses his or her wage or salary history to the board of county commissioners, a county officer or any other person acting on behalf of the county, nothing in this section prohibits the board of county commissioners, a county officer or any other person acting on behalf of the county from considering or relying on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]~~ range or rate for the position; and

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of a county has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits the board of county commissioners, a county officer or any other person acting on behalf of the county from asking an applicant for employment by the county about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 10. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of an incorporated city or a city officer shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the incorporated city;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) ~~[Except as otherwise provided in subsection 2, the]~~ The rate of pay for the applicant; or

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. ~~[Nothing in this section prohibits]~~ A governing body of an incorporated city or a city officer shall provide:

*(a) To an applicant for employment by an incorporated city ~~[from voluntarily and without prompting disclosing his or her]~~ who has completed an interview for a position the wage or salary ~~[history to the governing body~~

~~*of the incorporated city or a city officer. If an applicant for employment by an incorporated city voluntarily and without prompting discloses his or her wage or salary history to the governing body of the incorporated city or a city officer, nothing in this section prohibits the governing body of the incorporated city or a city officer from considering or relying on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]*~~ *range or rate for the position; and*

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of an incorporated city has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits the governing body of an incorporated city or a city officer from asking an applicant for employment by the incorporated city about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 11. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The town board, board of county commissioners or any other person acting on behalf of an unincorporated town shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment by the unincorporated town;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) ~~*[Except as otherwise provided in subsection 2, the]*~~ *The rate of pay for the applicant; or*

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. ~~*[Nothing in this section prohibits]*~~ *A town board, board of county commissioners or any other person acting on behalf of an unincorporated town shall provide:*

(a) To an applicant for employment by an unincorporated town ~~*[from voluntarily and without prompting disclosing his or her]*~~ *who has completed an interview for a position the wage or salary* ~~*[history to the town board, board of county commissioners or any other person acting on behalf of the unincorporated town. If an applicant for employment by an unincorporated town voluntarily and without prompting discloses his or her wage or salary*~~

~~*history to the town board, board of county commissioners or any other person acting on behalf of the unincorporated town, nothing in this section prohibits the town board, board of county commissioners or any other person acting on behalf of the unincorporated town from considering or relying on that voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]*~~ *range or rate for the position; and*

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee of an unincorporated town has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits the town board, board of county commissioners or any other person acting on behalf of the unincorporated town from asking an applicant for employment by the unincorporated town about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant for employment by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Sec. 12. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An appointing authority shall not, orally or in writing, personally or through an agent:

(a) Seek the wage or salary history of an applicant for employment in the unclassified service of the State;

(b) Rely on the wage or salary history of an applicant to determine:

(1) Whether to offer employment to an applicant; or

(2) ~~*[Except as otherwise provided in subsection 2, the]*~~ *The rate of pay for the applicant; or*

(c) Refuse to interview, hire, promote or employ an applicant, or discriminate or retaliate against an applicant if the applicant does not provide wage or salary history.

2. ~~*[Nothing in this section prohibits]*~~ *An appointing authority shall provide:*

(a) To an applicant for employment in the unclassified service of the State ~~*[from voluntarily and without prompting disclosing his or her]*~~ *who has completed an interview for a position the wage or salary* ~~*[history to an appointing authority. If an applicant for employment in the unclassified service of the State voluntarily and without prompting discloses his or her wage or salary history to an appointing authority, nothing in this section prohibits the appointing authority from considering or relying on that*~~

~~*voluntarily disclosed wage or salary history in determining the rate of pay for the applicant.]*~~ *range or rate for the position; and*

(b) The wage or salary range or rate for a promotion or transfer to a new position if an employee in the unclassified service of the State has:

(1) Applied for the promotion or transfer;

(2) Completed an interview for the promotion or transfer or been offered the promotion or transfer; and

(3) Requested the wage or salary range or rate for the promotion or transfer.

3. Nothing in this section prohibits an appointing authority from asking an applicant for employment in the unclassified service of the State about his or her wage or salary expectation for the position for which the applicant is applying.

4. As used in this section, "wage or salary history" means the wages or salary paid to an applicant by the current or former employer of the applicant. The term includes, without limitation, any compensation and benefits received by the applicant from his or her current or former employer.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 416 makes six changes to Senate Bill No. 293. First, the amendment authorizes a person who believes he or she has been discriminated against by an employer's inquiry into his or her wage or salary history to file a complaint with the Nevada Labor Commissioner and request a right-to-sue notice. Second, it defines an employer for the purposes of section 1. Third, it deletes section 2 of the bill, which indicates the employers affected by this bill. Fourth, it deletes sections 6 and 7 of the bill so it is clear the Labor Commissioner, not the Nevada Equal Rights Commission, enforces section 1. Fifth, it requires employers to disclose the salary range or wage rate to an applicant under certain circumstances. Finally, it deletes provisions that an applicant is not prohibited from voluntarily disclosing their wage or salary history, and an employer is not prohibited from using the voluntarily disclosed information to determine the rate of pay of the applicant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 294.

Bill read second time.

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

Amendment No. 166.

SUMMARY—Revises provisions governing collective bargaining by local government employers. (BDR 23-254)

AN ACT relating to local governments; revising provisions relating to collective bargaining between local government employers and employee organizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a local government employer and an employee organization that represents local government employees, other than firefighters, police officers, teachers and educational support personnel, fail to

resolve a disputed issue in negotiating a collective bargaining agreement, either party may submit the dispute to an impartial fact finder. Before submitting the dispute to the fact finder, the parties may agree to make the findings and recommendations of the fact finder final and binding. If the parties cannot agree, either party may request the formation of a panel to determine whether the findings and recommendations of the fact finder on certain issues are to be final and binding. (NRS 288.200) Sections ~~[1,]~~ 1.5, 2 and 5 of this bill remove or repeal the provisions relating to such panels. Section 4 of this bill makes a conforming change by eliminating the authorization of the expenditure of funds from the Reserve for Statutory Contingency Account in the State General Fund for expenses related to such panels. ~~[Section 2 provides that the findings and award of the fact finder are final and binding on the parties.]~~

Existing law establishes certain procedures and requirements applicable to the fact-finding process in negotiations between local government employers and recognized employee organizations representing firefighters and police officers. (NRS 288.205, 288.215) Those procedures and requirements differ in certain respects from the procedures and requirements applicable to fact-finding in labor negotiations involving other local government employees. Section ~~[3]~~ 1 of this bill makes ~~[additional]~~ changes applicable only to labor disputes ~~[involving firefighters and police officers.]~~ between local government employers which are cities and employee organizations which represent employees other than firefighters and police officers. Specifically, if a city and such an employee organization do not agree on whether to make the findings and recommendations of a fact finder final and binding, section ~~[3 provides that unless the parties]~~ 1 allows either party to the dispute ~~[agree]~~ to ~~[make]~~ submit the findings and recommendations of the fact finder to a second fact finder to serve as an arbitrator and issue a decision which is final and binding ~~[: (1) the report of the fact finder must include recommendations for settlement of the dispute, in lieu of an award; and (2) the findings and recommendations of the fact finder are not binding]~~ on the parties.

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

In the case of an employee organization and a local government employer which is a city and to which NRS 288.215 does not apply, the following departures from the provisions of NRS 288.200 apply:

1. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the submission of the findings and recommendations of the fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 10 of NRS 288.200 to a second fact finder to serve as an arbitrator and issue a decision which is final and binding.

2. The parties shall select a second fact finder to serve as an arbitrator pursuant to subsection 1 using the process established in subsection 2 of NRS 288.200.

~~[Section 1.]~~ *Sec. 1.5.* NRS 288.044 is hereby amended to read as follows:

288.044 "Fact-finding" means the formal procedure by which an investigation of a labor dispute is conducted by a ~~[person]~~ *fact finder* at which:

1. Evidence is presented; and

2. A written report is issued by the fact finder describing the issues involved , *making findings* and setting forth recommendations for settlement which may or may not be binding . ~~[as provided in NRS 288.200. *or an award.]*~~

Sec. 2. NRS 288.200 is hereby amended to read as follows:

288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 *or section 1 of this act* apply:

1. If:

(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

➥ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder ~~*[.]*~~ for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in ~~[subsections 5, 6 and 11.]~~ *subsection 5.* The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder ~~[or a panel of neutral arbitrators]~~ within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations ~~*[award]*~~ of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

~~6. [If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.~~

~~7.]~~ Except as otherwise provided in subsection ~~[10, any 8, the]~~ *9, any* fact finder , whether the fact finder's recommendations are to be binding or not, shall base such recommendations or ~~*[the]*~~ award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district must be considered by a fact finder in making a preliminary determination.

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award. ~~*[The award is final and binding on the parties.*~~

~~8.~~ ~~*6.]*~~ *7.* Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted pursuant to ~~[subsection 1;]~~ *this section;*

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations, ~~*[award,]*~~ which must not include a discussion of the details of the report.

➥ The fact finder must not be asked to discuss the decision during the meeting.

~~[9.~~ ~~*7.]*~~ *8.* The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. ~~*[award.]*~~ The report must include, without limitation, an analysis of the impact of the findings and recommendations ~~*[award]*~~ on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment.

~~[10.~~ ~~*8.]*~~ *9.* Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➥ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

~~[11.~~ ~~*9.]*~~ *10.* The issues which may be included in ~~*[an]*~~ *a recommendation or award by* a ~~[panel's order pursuant to subsection 6]~~ *fact finder* are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➥ This subsection does not preclude the voluntary submission of other issues by the parties ~~*[.]*~~ pursuant to subsection 5.

~~[10.]~~ *11.* *Except for the period prescribed by subsection* ~~*[6,]*~~ *7, any time limit prescribed by this section may be extended by agreement of the parties.*

Sec. 3. ~~[NRS 288.205 is hereby amended to read as follows:~~

~~288.205 *1.* In the case of an employee organization and a local government employer to which NRS 288.215 applies, the following departures from the provisions of NRS 288.200 also apply:~~

~~[1.] *(a)* If the parties have not reached agreement by April 10, either party may submit the dispute to an impartial fact finder at any time for the findings of the fact finder.~~

~~[2.] *(b)* In a regular legislative year, the fact-finding hearing must be stayed up to 20 days after the adjournment of the Legislature *sine die*.~~

~~[3.] *(c) Unless the parties otherwise agree before the submission of the dispute to fact finding to make the findings of the fact finder on all or any specified issues final and binding on the parties:*~~

~~*(1) The report of the fact finder must include recommendations for settlement on the issues submitted to the fact finder, in lieu of an award;*~~

~~*(2) The provisions of NRS 288.200 applicable to an award apply to the recommendations of the fact finder; and*~~

~~*(3) The findings and recommendations of the fact finder are not binding on the parties.*~~

~~2. Any time limit prescribed by this section [or NRS 288.200] may be extended by agreement of the parties.]~~ (Deleted by amendment.)

Sec. 4. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, ~~[288.203,]~~ 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority

granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 5. NRS 288.201, 288.202 and 288.203 are hereby repealed.

Sec. 6. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTIONS

288.201 Request for formation of panel to determine whether findings and recommendations of fact finder are final and binding. Any request for the formation of a panel to determine whether the findings and recommendations of a fact finder must be final and binding must be filed with the Commissioner. The request must include:

1. A list of the issues which remain unresolved and the position of each party regarding those issues;

2. The requester's assessment of the fiscal effect on the local government of the requester's positions;

3. An outline of any previous fact-finding between the parties, which includes any recommendations and awards of a fact finder and the actions of each party in response thereto;

4. A statement of whether the parties engaged in mediation regarding the current dispute;

5. A schedule of the dates and times set by the fact finder for the hearing; and

6. Any other information deemed necessary by the Commissioner.

➥ Any person filing such a request shall give written notice of the request to the Nevada State Board of Accountancy and the State Bar of Nevada.

288.202 Formation of panel to determine whether findings and recommendations of fact finder are final and binding.

1. Within 5 days after receiving notice of such a request, the Nevada State Board of Accountancy and the State Bar of Nevada shall each submit to the Commissioner and each party to the dispute a list of names of five of their members who would serve on a panel and are not closely allied with any employee association or local government employer.

2. Within 8 days after receiving the lists, the parties shall choose one name from each list by alternately striking one name until the names of only one attorney and one accountant remain, who will each be a member of the panel. The parties shall choose the member from the list of accountants separately from their choice from the list of attorneys. The parties shall notify the Commissioner of their selections and the Commissioner shall notify the attorney and accountant selected.

3. Within 5 days after receiving notice of their selection, the attorney and accountant shall:

(a) Choose the third member of the panel, who must:

(1) Be willing to serve on the panel;

(2) Be a resident of this State; and

(3) Not be closely allied with any employee organization or local government employer.

(b) Notify the Commissioner of their choice, and the three members shall, within 5 days after selecting the third member of the panel, notify the Commissioner of the dates when they will all be available to attend hearings.

4. The Commissioner shall serve as a nonvoting member and also as the chair of the panel.

5. If the accountant or attorney selected to serve on the panel is unable to do so, the Nevada State Board of Accountancy or State Bar of Nevada shall designate a person to replace its nominee. If the person selected by the accountant and attorney is unable to serve, the accountant and attorney shall designate another person as a replacement. If the Commissioner is unable to serve, the Governor shall designate a person to serve in the Commissioner's capacity.

288.203 Compensation of members of panel; claims.

1. Each person, except the Commissioner, who serves on a panel formed pursuant to NRS 288.201 is entitled to receive as compensation:

(a) One hundred fifty dollars for each day the person is engaged in the business of the panel; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

2. All claims which arise pursuant to this section must be paid from the Reserve for Statutory Contingency Account upon approval by the Commissioner and the State Board of Examiners.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 166 to Senate Bill No. 294 provides that in a labor dispute between city government employers and employee organizations which represent employees, other than firefighters and police officers, where the parties do not agree whether to make the findings and recommendations of a fact finder final and binding, either party may submit the findings and recommendations of the fact finder to a second fact finder to serve as an arbitrator and issue a decision that is final and binding on the parties.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 264.

SUMMARY—Establishes a reinvestment advisory committee in certain larger counties. (BDR 38-956)

AN ACT relating to Medicaid; establishing a reinvestment advisory committee in certain larger counties; requiring a reinvestment advisory committee to perform certain duties relating to the reinvestment of funds by

managed care organizations that provide health care services to recipients of Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Health and Human Services to enter into a contract with a managed care organization to provide health care services to recipients of Medicaid. (NRS 422.273) Section 3 of this bill establishes a reinvestment advisory committee in each county of this State whose population is 700,000 or more (currently Clark County). Section 3 prescribes the membership of a reinvestment advisory committee, which consists of ~~[representatives of]~~ : (1) voting members who represent the Department and certain local governmental entities and nonprofit organizations ~~[.]~~ ; and (2) any additional nonvoting members appointed by the Director of the Department. Section 2 of this bill defines the term "reinvestment advisory committee." Section 4 of this bill prescribes certain procedural requirements governing the operations of a reinvestment advisory committee and authorizes a reinvestment advisory committee to form subcommittees. Section 5 of this bill prescribes the duties of a reinvestment advisory committee, which includes reviewing, making recommendations and reporting to the Legislature and Director of the Department concerning the reinvestment of funds by managed care organizations that provide health care services to recipients of Medicaid in the communities served by those organizations. Section 6 of this bill makes a conforming change to indicate the placement of sections 2-5 in the Nevada Revised Statutes.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "reinvestment advisory committee" means a reinvestment advisory committee established by section 3 of this act.*

Sec. 3. *1. A reinvestment advisory committee is hereby established in each county whose population is 700,000 or more.*

2. A reinvestment advisory committee consists of the following members:

(a) The Administrator ~~[; and]~~ , who serves as a voting member;

(b) The following voting members, appointed by the Director:

(1) The director of a social services agency of the county;

(2) A representative of the government of the county;

(3) Two members who represent the government of different cities whose population is 100,000 or more that are located in the county;

(4) Two members who represent nonprofit organizations that work with recipients of Medicaid who reside in the county and receive health care services through managed care; and

(5) One member who represents the Division of Welfare and Supportive Services of the Department ~~[.]~~ ; and

(c) Other persons that the Director deems necessary or appropriate to serve as nonvoting members.

3. The members appointed to a reinvestment advisory committee pursuant to ~~[paragraph]~~ paragraphs (b) and (c) of subsection 2 serve at the pleasure of the Director.

4. The members of a reinvestment advisory committee serve without compensation and are not entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

5. Any member of a reinvestment advisory committee who is a public employee must be granted administrative leave from his or her duties to engage in the business of the committee without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

Sec. 4. *1. The Director shall appoint the Chair of each reinvestment advisory committee from among its voting members.*

2. A reinvestment advisory committee:

(a) Shall meet at least twice each calendar year or at the call of the Chair.

(b) May, upon the recommendation of the Chair, form subcommittees for decisions and recommendations concerning specific issues within the scope of the duties of the committee prescribed by section 5 of this act.

3. A majority of the voting members of a reinvestment advisory committee constitutes a quorum for the transaction of business, and the affirmative vote of a majority of the voting members of the committee is required to take action.

Sec. 5. *1. A reinvestment advisory committee shall:*

(a) Solicit and review reports from the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations.

(b) Report to the Division and Medicaid managed care organizations concerning initiatives of local governments in the county to address homelessness, housing issues and social determinants of health.

(c) Make recommendations based on the reports reviewed pursuant to paragraph (a) to the Division and Medicaid managed care organizations concerning the reinvestment of funds by those Medicaid managed care organizations in the communities served by the Medicaid managed care organizations. Those recommendations must include, without limitation, recommendations for the use of such funds for the purposes of:

(1) Developing innovative partnerships with community development organizations and providers of housing services; and

(2) Supporting the initiatives of local governments in the county to address homelessness, housing issues and social determinants of health.

2. On or before December 31 of each year, a reinvestment advisory committee shall:

(a) Compile a report concerning:

(1) The uses of funds reinvested by Medicaid managed care organizations in the communities served by those Medicaid managed care organizations, including, without limitation, efforts to address homelessness, disparities in health care and social determinants of health; and

(2) The activities of the reinvestment advisory committee during the calendar year, including, without limitation, the recommendations made by the reinvestment advisory committee pursuant to paragraph (c) of subsection 1.

(b) Submit the report to ~~[the]~~ :

(1) The Director of the Legislative Counsel Bureau for transmittal to:

~~[(1)]~~ (I) In odd-numbered years, the Legislative Committee on Health Care; and

~~[(2)]~~ (II) In even-numbered years, the next regular session of the Legislature.

(2) The Director of the Department.

3. As used in this section, "Medicaid managed care organization" means a managed care organization that provides health care services to recipients of Medicaid who reside in the county for which a reinvestment advisory committee is formed.

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 2 to 5, inclusive, of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for

the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 7. 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. 8. This act becomes effective on January 1, 2022.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 264 to Senate Bill No. 309 clarifies that the Administrator of the Division of Health Care Financing and Policy of DHHS is a voting member of a reinvestment advisory committee. It authorizes the Director of DHHS to appoint additional, nonvoting members to such a committee. It also expands the list of entities to whom a reinvestment advisory committee must submit its report to include the Director of DHHS.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 357.

SUMMARY—Revises provisions relating to juvenile justice. (BDR 5-1016)

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 authorize an employee of a department of juvenile justice services who has been placed on leave without pay during a period in which the employee seeks to resolve pending charges against the employee to elect to use any sick leave, annual vacation or compensatory time accrued by the employee until the employee exhausts any such sick leave, annual vacation or compensatory time.]~~ Sections 1 and 2 ~~[further]~~ of this bill require a department of juvenile justice services to award back pay to such an employee for the duration of the unpaid leave if: (1) the charges against the employee are dismissed; (2) the employee is found not guilty at trial; or (3) the employee is not subjected to punitive action in connection with the alleged misconduct. Sections 1 and 2 also 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 days, begins after ~~[arraignment.]~~ arrest. 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 days *after* ~~*[arraignment]*~~ *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. ~~*[If the employee is placed on leave without pay, the employee may elect to use any sick leave, annual vacation or compensatory time accrued by the employee until the employee exhausts any such sick leave, annual vacation or compensatory time.]*~~

6. *If the department of juvenile justice services places an employee 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;

(b) The employee is found not guilty at trial; or

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

7. 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.

~~[7.]~~ *8.* A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

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 days *after* ~~*[arraignment]*~~ *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. ~~*[If the employee is placed on leave without pay, the employee may elect to use any sick leave, annual vacation or compensatory time accrued by the employee until the employee exhausts any such sick leave, annual vacation or compensatory time.]*~~

6. *If the department of juvenile justice services places an employee 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;

(b) The employee is found not guilty at trial; or

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

7. 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.

~~[7.]~~ *8.* A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.

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.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 357 to Senate Bill No. 317 provides that the period of 180 days during which an employee of a juvenile-justice service entity may resolve pending criminal charges begins after arrest, as opposed to after arraignment. It deletes provisions from the bill that allowed such an employee to use sick leave, annual vacation or compensatory time during a period that the employee is suspended without pay in relation to pending charges.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 340.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 266.

SUMMARY—Revises provision relating to the wages and working conditions of certain employees. (BDR 53-573)

AN ACT relating to employment; requiring the Director of the Department of Health and Human Services to establish a home care employment standards board under certain circumstances; prescribing the membership of a home care employment standards board; requiring such a board to conduct an investigation into certain matters relating to the employment of home care employees; requiring such a board to develop recommendations concerning the minimum wage for home care employees or the working conditions of such employees; authorizing the Director to adopt regulations implementing such recommendations; revising provisions governing the administration and enforcement of provisions governing the minimum wage paid to employees in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an employer to pay an employee a wage of not less than a certain minimum wage. (Nev. Const. Art. 15, § 16; NRS 608.250) Existing law requires the Labor Commissioner to administer and enforce the provisions of existing law governing the minimum wage. (NRS 608.270)

Existing law provides for the establishment of certain programs to provide services to certain elderly persons or persons with disabilities to allow such persons to remain in their homes or in the community. (NRS 422.396, 427A.250-427A.280, 427A.793) Section 8 of this bill designates such a program, and any similar program established by a state agency or a local government, as a "home care program."

Existing law authorizes an agency licensed as an agency to provide personal care services in the home to provide certain authorized medical services to persons with disabilities and certain nonmedical services related to personal care to elderly persons or persons with disabilities. (NRS 449.1935) Under existing law, certain providers of temporary respite services are not required to be licensed as an agency to provide personal care services in the home. (NRS 449.0021) Existing law authorizes a certified intermediary service organization to provide certain services related to the employment of a personal assistant who is selected by a person with a disability or other responsible person to provide certain nonmedical and authorized medical services to the person with a disability. (NRS 449.4308)

Section 6 of this bill designates an agency to provide personal care services in the home, an intermediary service organization and certain providers of temporary respite services that have entered into a contract with a state agency or a local government to provide certain services under a home care program as "home care employers." Section 5 of this bill designates a person who is an employee of a home care employer and who provides personal care services, personal assistance or temporary respite services through a home care program as a "home care employee."

Section 13 of this bill requires the Director of the Department of Health and Human Services to establish a home care employment standards board if the Director determines that it is necessary or upon the petition of 50 or more home care employees. Section 13 sets forth the membership of such a board, which consists of certain representatives of home care employers and home care employees and certain other persons. Section 14 of this bill provides that if the Director establishes a home care employment standards board upon the petition of 50 or more home care employees, the Director or his or her designee is required to meet with representatives of the petitioners and discuss certain matters relating to the employment of home care employees. Section 15 of this bill requires the Director and the Labor Commissioner to conduct an investigation into certain matters relating to the employment of home care employees and present the findings of the investigation to a home care employment standards board at the first meeting of the board.

Section 16 of this bill requires a home care employment standards board to conduct an investigation into certain matters of its choosing related to the wages and working conditions of home care employees and the compliance of home care employers with applicable laws. Section 16 also requires a home care employment standards board to, based on such an investigation, develop recommendations regarding: (1) the minimum wage that may be paid to a home care employee; or (2) safe and healthful working conditions for home care employees. Section 16 requires a home care employment standards board to submit to the Director a report with its findings and recommendations not later than 1 year after the date of its first meeting. Section 16.5 of this bill requires the Director to make any report submitted by a home care employment standards board available on an Internet website maintained by the Director.

Section 17 of this bill authorizes the Director to take certain actions with respect to the report of a home care employment standards board. Under section 18 of this bill, if the Director approves of a recommendation of such a board, the Director is required to adopt regulations as necessary to: (1) establish the minimum wage recommended by the home care employment standards board as the minimum wage which may be paid by a home care employer to a home care employee in this State; or (2) provide for safe and healthful working conditions for home care employees in accordance with the recommendation of the home care employment standards board. Section 18 also provides that if the Director establishes a minimum wage for a home care employee, the Director is also authorized to adopt regulations concerning the payment of overtime for such employees. Section 21 of this bill provides that such regulations prevail over the provisions of existing law governing the payment of overtime generally. (NRS 608.018)

Section 20 of this bill makes it a misdemeanor for a home care employer to take certain actions against a home care employee because the home care employee engages in or is believed to have engaged in certain activities relating to a home care employment standards board.

Section 22 of this bill revises provisions of existing law which authorize an employee to bring a civil action against an employer who pays the employee less than the minimum wage for the purpose of allowing a home care employee to bring such an action against a home care employer who pays the homecare employee less than the minimum wage for a home care employee established by regulation pursuant to section 18. (NRS 608.260)

Section 23 of this bill provides for the enforcement of the provisions governing the minimum wage for a home care employee established pursuant to section 18 in the same manner in which the minimum wage established under existing law is enforced. (NRS 608.270)

Existing law provides that a person who violates the provisions of existing law governing the minimum wage is guilty of a misdemeanor and is subject to an administrative fine of not more than $5,000. (NRS 608.290) Section 24 of this bill applies these same penalties to a person who violates the provisions

governing the minimum wage for a home care employee established by the Director pursuant to section 18.

Section 25 of this bill authorizes a home care employment standards board or the Labor Commissioner to develop certain recommendations related 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 and submit such recommendations to the Governor and the Legislature.

Sections 3-12 of this bill define words and terms for the purposes of sections 2-20 of this bill.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *As used in sections 2 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.*

Sec. 4. *"Director" means the Director of the Department of Health and Human Services.*

Sec. 5. *1. "Home care employee" means a person who provides:*

(a) Personal care services through a home care program as an employee of a home care employer that is an agency to provide personal care services in the home;

(b) Personal assistance through a home care program as a personal assistant for whom a home care employer that is an intermediary service organization is the employer of record; or

(c) Temporary respite services through a home care program as an employee of a home care employer that has entered into a contract with the Aging and Disability Services Division of the Department of Health and Human Services to provide such services.

2. As used in this section, "personal assistant" has the meaning ascribed to it in NRS 449.4308.

Sec. 6. *"Home care employer" means:*

1. An agency to provide personal care services in the home that has entered into a contract with a state agency or local government to provide personal care services under a home care program;

2. An intermediary service organization that has entered into a contract with a state agency or local government to provide services relating to personal assistance under a home care program; or

3. A person or agency who has entered into a contract with the Aging and Disability Services Division of the Department of Health and Human Services to provide temporary respite services under a home care program.

Sec. 7. *"Home care employment standards board" means a board established by the ~~[Labor Commissioner]~~ Director pursuant to section 13 or 17 of this act.*

Sec. 8. *1. "Home care program" means a program established by a state agency or a local government which provides in the home personal care services, personal assistance or temporary respite services to elderly persons or persons with disabilities.*

2. The term includes, without limitation:

(a) Any program established under the State Plan for Medicaid which provides, in the home, the services described in subsection 1.

(b) Any program established pursuant to NRS 427A.250 to 427A.280, inclusive.

(c) The program established pursuant to NRS 422.396.

(d) The program established pursuant to NRS 427A.793.

Sec. 9. *"Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.*

Sec. 10. *"Personal assistance" has the meaning ascribed to it in NRS 449.4308.*

Sec. 11. *"Personal care services" means the services described in NRS 449.1935.*

Sec. 12. *"Temporary respite services" has the meaning ascribed to it in NRS 449.0021.*

Sec. 13. *1. If the Director determines that it is necessary or upon the petition of 50 or more home care employees, the Director shall establish a home care employment standards board to conduct an investigation and develop recommendations as provided in section 16 of this act.*

2. A home care employment standards board must consist of:

(a) The Director or his or her designee, who serves as Chair and a nonvoting member; and

(b) The following voting members:

(1) The Labor Commissioner;

(2) Three representatives of home care employers, appointed by the Director;

(3) Three representatives of home care employees, appointed by the Director; and

(4) Three persons who receive or are representatives of persons who receive services from a home care employee, appointed by the Director.

3. The Director shall appoint the members of a home care employment standards board pursuant to subparagraphs (2), (3) and (4) of paragraph (b) of subsection 2 after providing public notice and soliciting applications for the appointment of such members.

4. The members of a home care employment standards board serve without compensation.

5. A majority of the voting members of a home care employment standards board constitutes a quorum to transact business, and a majority of a quorum present at any meeting is sufficient to approve any recommendation of such a board.

6. A home care employment standards board shall meet at the times and places specified by a call of the Chair. A home care employment standards board shall meet as often as necessary to accomplish the duties set forth in section 16 of this act, but not less than once each calendar quarter.

Sec. 14. *If the Director establishes a home care employment standards board upon the petition of 50 or more home care employees pursuant to section 13 of this act, the Director or his or her designee shall, not later than 30 days after the receipt of the petition, meet with representatives of the persons who submitted the petition and discuss matters relating to the wages and working conditions of home care employees in this State and the compliance of home care employers with applicable federal, state and local laws.*

Sec. 15. *1. As soon as practicable after the appointment of the members of a home care employment standards board pursuant to section 13 of this act, the Director shall fix a date for the first meeting of the board. If a home care employment standards board is established upon the petition of 50 or more home care employees pursuant to section 13 of this act, the first meeting of the board must be held not later than 60 days after the date of the meeting described in section 14 of this act.*

2. Before ~~[such]~~ the first meeting ~~[,]~~ of a home care employment standards board, the Director and the Labor Commissioner shall conduct a preliminary investigation into the wages and working conditions of home care employees in this State and the compliance of home care employers with applicable federal, state and local laws. The Director and the Labor Commissioner shall coordinate with the Aging and Disability Services Division of the Department, the Division of Health Care Financing and Policy of the Department and the Division of Public and Behavioral Health of the Department as necessary to complete the investigation.

~~[2.]~~ 3. The Director and the Labor Commissioner shall present the results of the preliminary investigation conducted pursuant to subsection ~~[1]~~ 2 to the home care employment standards board at the first meeting of the board.

~~[3.]~~ 4. As used in this section, "Department" means the Department of Health and Human Services.

Sec. 16. *1. ~~[Each]~~ A home care employment standards board shall:*

(a) Conduct an investigation into matters relating to the wages and working conditions of home care employees in this State and the compliance of home care employers with applicable federal, state and local laws; and

(b) Based on the investigation conducted pursuant to paragraph (a), develop recommendations regarding:

(1) The minimum wage that may be paid to a home care employee in this State; or

(2) Safe and healthful working conditions for home care employees.

2. ~~[Each]~~ A home care employment standards board shall determine the scope of its investigation conducted pursuant to paragraph (a) of subsection 1 and the specific matters into which it will inquire, which may include, without limitation:

(a) The adequacy of wage rates and other compensation policies of home care employers to ensure the provision of quality services and sufficient levels of recruitment and retention of home care employees;

(b) The sufficiency of levels of recruitment and retention of home care employees;

(c) The adequacy of the role of home care employees in making decisions affecting their wages and working conditions;

(d) The adequacy and enforcement of training requirements for home care employees;

(e) The impact of home care programs, the larger system for long-term care in this State and any efforts to reach the goal of rebalancing long-term care services toward home and community-based services on the wages and working conditions of home care employees;

(f) The impact of systemic racism and economic injustice on home care employees and the adequacy of efforts to alleviate such impact through the development of career paths through partnerships between labor and management and other methods; and

(g) The adequacy of payment practices and policies of the State as such practices and policies relate to the reimbursement of home care employers for the provision of services under a home care program.

3. In conducting the investigation pursuant to paragraph (a) of subsection 1, a home care employment standards board shall have the power to administer oaths, take testimony thereunder and issue subpoenas for the attendance of witnesses and the production of books, papers and any other materials relevant to the investigation.

4. A home care employment standards board may request information relevant to the investigation conducted pursuant to paragraph (a) of subsection 1 directly from any state agency. A state agency that receives a reasonable request for information from a home care employment standards board shall comply with the request as soon as is reasonably practicable after receiving the request.

5. A home care employment standards board may request direct testimony from any state agency at a meeting of the board. The head, or a designee thereof, of a state agency who receives a reasonable request for direct testimony at a meeting of a home care employment standards board shall appear at the meeting and shall comply with the request.

6. Not later than 1 year after the date of the first meeting of a home care employment standards board, the board shall submit to the Director a report of its findings and recommendations.

Sec. 16.5. The Director shall make any report submitted by a home care employment standards board pursuant to section 16 of this act available on an Internet website maintained by the Director.

Sec. 17. *Upon receipt of a report submitted by a home care employment standards board pursuant to subsection 6 of section 16 of this act, the Director shall review the findings and each recommendation contained in the report. The Director may:*

1. Approve or disapprove any recommendation;

2. Require the home care employment standards board that submitted the report to conduct a new investigation and develop new recommendations in accordance with section 16 of this act; or

3. Establish a new home care employment standards board in the manner provided in section 13 of this act to conduct a new investigation and develop new recommendations in accordance with section 16 of this act.

Sec. 18. *1. If the Director approves a recommendation contained in a report submitted by a home care employment standards board pursuant to subsection 6 of section 16 of this act, the Director shall adopt regulations necessary to:*

(a) Establish the minimum wage recommended by the home care employment standards board as the minimum wage which may be paid to a home care employee in this State; or

(b) Provide for safe and healthful working conditions for home care employees in accordance with the recommendation of the home care employment standards board.

2. If the Director adopts regulations establishing the minimum wage which may be paid to a home care employee pursuant to paragraph (a) of subsection 1, the Director may also adopt any regulations concerning the payment of overtime to a home care employee which the Director deems appropriate and which are consistent with federal law.

Sec. 19. *If the Director adopts regulations establishing the minimum wage which may be paid to a home care employee pursuant to section 18 of this act:*

1. Each home care employer shall pay to each home care employee of the employer a wage of not less than the minimum wage established by regulation of the Director pursuant to section 18 of this act.

2. It is unlawful for a home care employer to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any home care employee for a wage less than that established by regulation of the Director pursuant to section 18 of this act.

Sec. 20. *1. It is unlawful for a home care employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, a home care employee because:*

(a) The home care employee serves as a member of a home care employment standards board;

(b) The home care employee has actively participated in the formation of a home care employment standards board;

(c) The home care employee has testified or is about to testify in an investigation conducted by a home care employment standards board;

(d) The home care employee has engaged in any other activity related to the formation or activities of a home care employment standards board; or

(e) The home care employer believes that the home care employee may engage in any of the activities described in paragraphs (a) to (d), inclusive.

2. A home care employer who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000.

Sec. 21. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate set forth in NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate set forth in NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) Employees who are not covered by the minimum wage provisions of Section 16 of Article 15 of the Nevada Constitution;

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment;

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply;

(o) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2; and

(p) A domestic service employee who resides in the household where he or she works if the domestic service employee and his or her employer agree in writing to exempt the domestic service employee from the requirements of subsections 1 and 2.

4. *Any regulation of the Director of the Department of Health and Human Services concerning the payment of overtime to a home care employee adopted pursuant to section 18 of this act prevails over the general provisions of this section.*

5. As used in this section ~~[, "domestic]~~ *:*

(a) "Domestic worker" has the meaning ascribed to it in NRS 613.620.

(b) "Home care employee" has the meaning ascribed to it in section 5 of this act.

Sec. 22. NRS 608.260 is hereby amended to read as follows:

608.260 1. If any employer pays any employee a lesser amount than the minimum wage set forth in NRS 608.250 ~~[,]~~ *or, if applicable, the minimum wage established by regulation of the Director of the Department of Health and Human Services pursuant to section 18 of this act,* the employee may, at any time within 2 years, bring a civil action against the employer. A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

2. If the employee prevails in a civil action brought pursuant to subsection 1:

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer which may include, without limitation, back pay, damages, reinstatement or injunctive relief; and

(b) The court must award the employee reasonable attorney's fees and costs.

Sec. 23. NRS 608.270 is hereby amended to read as follows:

608.270 1. The Labor Commissioner shall:

(a) Administer and enforce the provisions of NRS 608.250 ~~[,]~~ *and section 18 of this act;*

(b) Adopt any regulations necessary to carry out the duties set forth in paragraph (a); and

(c) Furnish the district attorney of any county or the Attorney General all data and information concerning violations of the provisions of NRS 608.250

~~[,]~~ *or section 18 of this act,* occurring in the county coming to the attention of the Labor Commissioner.

2. Each district attorney shall, if a complaint is made to him or her by the Labor Commissioner or by any aggrieved person, prosecute each violation of the provisions of NRS 608.250 *or section 18 of this act* that occurs in the district attorney's county. If any such district attorney fails, neglects or refuses for 20 days to commence a prosecution for a violation of the provisions of NRS 608.250 ~~[,]~~ *or section 18 of this act,* after being furnished data and information concerning the violation, and diligently to prosecute the same to conclusion, the district attorney is guilty of a misdemeanor, and in addition thereto must be removed from office.

Sec. 24. NRS 608.290 is hereby amended to read as follows:

608.290 1. Any person who violates any provision of NRS 608.250 , *section 18 of this act* or any regulation adopted pursuant thereto is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than $5,000 for each such violation.

Sec. 25. 1. For the period of time that any emergency directive issued by the Governor pursuant to chapter 414 of NRS relating 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 home care employment standards board or, if such a board has not been established by December 1, 2021, the Labor Commissioner, may:

(a) Examine matters relating to COVID-19, including, without limitation, the adequacy of plans relating to the distribution of personal protective equipment to home care employees, the testing of home care employees for COVID-19 and the distribution of vaccines for COVID-19 to home care employees; and

(b) Develop recommendations concerning:

(1) Measures to ensure that plans relating to the distribution of personal protective equipment to home care employees, the testing of home care employees for COVID-19 and the distribution of vaccines for COVID-19 to home care employees are sufficient and equitable;

(2) Effective training requirements for home care employees for COVID-19 response;

(3) Protocols to allow a home care employee to report an outbreak of COVID-19 or any deficiencies relating to personal protective equipment or testing for COVID-19 without fear of retaliation; and

(4) Measures to ensure that the disbursement of federal funds for COVID-19 relief are targeted with the greatest impact.

2. In developing any recommendations pursuant to subsection 1, a home care employment standards board or the Labor Commissioner shall solicit input from home care employers and home care employees.

3. If a home care employment standards board or the Labor Commissioner develops recommendations pursuant to subsection 1, the board or the Labor Commissioner shall prepare a report summarizing such recommendations and submit the report to the Governor and 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.

4. As used in this section:

(a) "Home care employee" has the meaning ascribed to it in section 5 of this act.

(b) "Home care employer" has the meaning ascribed to it in section 6 of this act.

(c) "Home care employment standards board" has the meaning ascribed to it in section 7 of this act.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 266 to Senate Bill No. 340 requires the first meeting of a home-care employment standards board to be held no later than 60 days after the Director of DHHS meets with representatives of those who submitted the petition. It requires the Director of DHHS and the Labor Commissioner of the Department of Business and Industry to conduct a preliminary investigation into the wages and working conditions of home-care employees prior to the first meeting of a home-care employment standards board. It requires the Director to make certain reports submitted by a board available on its website.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:43 p.m.

SENATE IN SESSION

At 5:50 p.m.

President Marshall presiding.

Quorum present.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 16, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 76, 255.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 40, 76, 126, 158, 194, 255, 340 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 5 makes various changes to telehealth. It clarifies that the definition of "telehealth" includes both synchronous and asynchronous interactions, and it adds audio-only interaction to the definition of telehealth, except as it relates to industrial insurance. This change effectively revises existing law that requires certain insurers and third-party payers to cover telehealth services to the same extent as if provided in person to also apply to services provided through audio-only interaction. The bill prohibits various third-party payers from refusing to pay for services provided through telehealth because of the technology used. It also prohibits categorizing telehealth services differently than services provided in person for purposes related to coverage or reimbursement.

In addition, Senate Bill No. 5 requires third-party payers to cover telehealth services in the same amount as services provided in person or by other means, except for services provided through audio-only interaction.

Senate Bill No. 5 expressly authorizes health-care providers to establish a relationship with patients through telehealth and authorizes the State Board of Health to adopt regulations governing the establishment of a relationship in this manner.

Finally, the bill requires DHHS to the extent money is available, to establish a data dashboard that allows for the analysis of data related to telehealth access.

Roll call on Senate Bill No. 5:

YEAS—21.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6.

Bill read third time.

The following amendment was proposed by Senator Settelmeyer:

Amendment No. 449.

SUMMARY—Revises provisions governing orders for protection against high-risk behavior. (BDR 3-394)

AN ACT relating to public safety; replacing the term "ex parte order" with "emergency order"; making various changes relating to applications for and the issuance of orders for protection against high-risk behavior; revising the persons to whom an adverse party must surrender firearms; requiring a court to order the return of any surrendered firearm of an adverse party upon the expiration of an extended order for protection against high-risk behavior; revising provisions relating to the dissolution of orders for protection against high-risk behavior; eliminating the requirement for a court clerk or designee to provide assistance to certain persons relating to such orders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various provisions relating to ex parte and extended orders for protection against high-risk behavior. (NRS 33.500-33.670) Sections 1.7, 3, 7, 9, 10, 12-14 and 16-18 of this bill replace the term "ex parte

order" with "emergency order." Section 19 of this bill requires the term changes to be construed as having the same meaning for judicial interpretations that are rendered, issued or entered before the effective date of this bill.

Existing law authorizes a family or household member who reasonably believes, or a law enforcement officer who has probable cause to believe, that a person poses a risk of causing personal injury to himself or herself or another person by possessing or purchasing a firearm, to file a verified application for an ex parte or extended order for protection against high-risk behavior. (NRS 33.560) Section 4 of this bill requires: (1) an applicant to show that the person poses an imminent risk to the person or to others; and (2) removes the distinction between an application for an ex parte order and an application for an extended order, and instead requires the applicant to file a single application for an order for protection against high-risk behavior.

Existing law requires an application for an ex parte or extended order for protection to include: (1) the name of the person seeking the order; (2) the name and address, if known, of the adverse party; and (3) a detailed description of the conduct and acts constituting high-risk behavior. (NRS 33.560) In addition to the existing application requirements, section 4 requires the application to include any supplemental documents or information.

Section 1.3 of this bill establishes various procedures relating to hearings on an application for an order for protection against high-risk behavior. Section 1.3: (1) requires a hearing on the application to be held within 1 judicial day after the filing of the application; and (2) authorizes a court to issue an emergency order or an extended order under certain circumstances, to schedule a future hearing on the application under certain circumstances or to dismiss the application under certain circumstances. Section 1.3 also: (1) authorizes a court to hold a telephonic hearing on an application for an order for protection against high-risk behavior filed by a law enforcement officer; (2) requires the hearing to be held within 1 day after the filing of the application; and (3) establishes various requirements relating to recordings of the telephonic hearing. At any such telephonic hearing, section 1.3 prohibits a court from issuing an extended order.

If an emergency order was issued pursuant to section 1.3, section 1.5 of this bill: (1) provides that the emergency order expires not later than 7 days after the date of the filing of the application; and (2) requires the court to hold a hearing before the expiration of the emergency order to determine whether to issue an extended order, unless the emergency order is dissolved before such time. Section 1.5 provides that a court may extend the duration of an emergency order for a period not to exceed 7 days to effectuate service of the emergency order on the adverse party, or for good cause shown.

If a court schedules a future hearing pursuant to section 1.3, section 1.5: (1) requires the hearing to be scheduled within 7 days after the filing of the application; and (2) authorizes the court to issue an extended order at the scheduled hearing under certain circumstances.

If an extended order was issued at the hearing pursuant to section 1.3 or at the hearing pursuant to section 1.5, section 1.5 provides that the extended order expires not later than 1 year after the date of its issuance.

Existing law requires a court to issue an ex parte or extended order if the court under certain circumstances finds that: (1) the person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm; (2) the person engaged in high-risk behavior; and (3) less restrictive options have been exhausted or are not effective. (NRS 33.570, 33.580) Sections 5 and 6 of this bill remove custody of a firearm from the list of factors a court may consider in finding whether a person poses an imminent risk of causing a self-inflicted injury or injuring another person.

Existing law requires an adverse party to surrender his or her firearm after an ex parte or extended order is issued by a court to: (1) a law enforcement agency designated by the court in the order; or (2) a person, who does not reside with the adverse party, designated by the court in the order. (NRS 33.600) Section 8 of this bill requires any firearm in the possession or control of the adverse party to be surrendered to: (1) a law enforcement agency designated by the court, if the application was filed by a family or household member; or (2) the law enforcement agency of the officer who filed the application for the temporary or extended order.

Existing law requires the law enforcement agency holding any surrendered firearm to provide the adverse party with a receipt which includes a description of each firearm being held by the law enforcement agency. Existing law requires the adverse party to provide the original receipt to the court within 72 hours or 1 business day, whichever is later, after surrendering any such firearm. (NRS 33.600) Section 8 instead requires the adverse party to provide the original receipt to the court within 1 business day after the surrender of any firearm.

Existing law requires a law enforcement agency to return any surrendered firearm not later than 14 days after the dissolution or expiration of an ex parte or extended order for protection. (NRS 33.600) Section 11 of this bill requires the court to: (1) issue an order for the return of any surrendered firearm of the adverse party upon the expiration or dissolution of an extended order; and (2) provide a copy of the order to the adverse party and the law enforcement agency holding the surrendered firearm. Section 8 requires a law enforcement agency to return any surrendered firearm to the adverse party not later than ~~[30]~~ 14 days after: (1) the dissolution or expiration of an emergency order; or (2) receiving an order from the court to return any firearm surrendered pursuant to an extended order.

Existing law requires a court to dissolve an ex parte or extended order for protection if all parties agree to the dissolution of the order, upon a finding of good cause. (NRS 33.640) Section 11 instead requires the court to dissolve an emergency or extended order if all parties stipulate to the dissolution, upon a finding of good cause.

Section 20 of this bill eliminates the requirement in existing law that the clerk of a court or another person designated by the court: (1) provide certain information to an adverse party or a family or household member who files a verified application for an ex parte or extended order; and (2) assist any person in filing an application, response or certain other documents related to an ex parte or extended order. (NRS 33.610)

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *1. Except as otherwise provided in subsection 2, a court shall hold a hearing in open court to review a verified application filed pursuant to NRS 33.560 not later than 1 judicial day after its filing by the applicant. At the hearing the court may:*

(a) Regardless of whether notice and an opportunity to be heard has been provided to the adverse party:

(1) Issue an emergency order pursuant to NRS 33.570; or

(2) Decline to issue an emergency order, in which case, the court must:

(I) Schedule a hearing in accordance with section 1.5 of this act; or

(II) If the applicant so requests, dismiss the verified application.

(b) If notice and an opportunity to be heard has been provided to the adverse party:

(1) Issue an extended order pursuant to NRS 33.580; or

(2) Dismiss the verified application.

2. If the verified application was filed by a law enforcement officer, the court may hold a telephonic hearing to review the verified application not later than 1 day after the filing of the application. At the telephonic hearing, the court:

(a) May not issue an extended order pursuant to NRS 33.580.

(b) May, regardless of whether notice and an opportunity to be heard has been provided to the adverse party:

(1) Issue an emergency order pursuant to NRS 33.570; or

(2) Decline to issue the emergency order, in which case, the court must:

(I) Schedule a hearing in accordance with section 1.5 of this act; or

(II) If the law enforcement agency so requests, dismiss the verified application.

3. The telephonic hearing described in subsection 2 must be recorded contemporaneously by a certified court reporter or by electronic means. After the hearing, the recording must be transcribed, certified by a judicial officer and filed with the clerk of court.

4. In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to conduct telephonic hearings pursuant to subsection 2.

5. In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to conduct telephonic hearings pursuant to subsection 2.

Sec. 1.5. *1. If a court issues an emergency order at a hearing described in section 1.3 of this act:*

(a) The emergency order expires within such time, as the court fixes, not to exceed 7 calendar days from the date that the verified application was filed by the applicant pursuant to NRS 33.560; and

(b) Unless the emergency order is dissolved pursuant to NRS 33.640, the court shall, not later than the day that the emergency order expires, hold a hearing to determine whether to:

(1) Issue an extended order pursuant to NRS 33.580; or

(2) Dismiss the verified application.

2. If the court declines to issue an emergency order at the hearing described in section 1.3 of this act, the court shall, not later than 7 calendar days after the filing of the verified application pursuant to NRS 33.560, schedule a hearing to determine whether to:

(a) Issue an extended order pursuant to NRS 33.580; or

(b) Dismiss the verified application.

3. If a court issues an extended order at the hearing described in this section or at the hearing described in subsection 1 of section 1.3 of this act, the extended order expires within such time, not to exceed 1 year, as the court fixes.

4. In order for service of an emergency order to be effectuated pursuant to NRS 33.620 or for good cause shown, the court may extend the duration of an emergency order for a period not to exceed 7 days. Notice of any such extension must be served on the adverse party by a law enforcement agency.

Sec. 1.7. NRS 33.095 is hereby amended to read as follows:

33.095 1. Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order, registers a Canadian domestic-violence protection order or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110 to 33.158, inclusive, the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

2. Any time that a court issues an ~~[ex parte]~~ *emergency* or extended order pursuant to NRS 33.570 or 33.580, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

3. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in NRS 33.119.

Sec. 2. NRS 33.500 is hereby amended to read as follows:

33.500 As used in NRS 33.500 to 33.670, inclusive, *and sections 1.3 and 1.5 of this act,* unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 33.520 is hereby amended to read as follows:

33.520 ~~["Ex parte]~~ *"Emergency* order" means an ~~[ex parte]~~ *emergency* order for protection against high-risk behavior.

Sec. 4. NRS 33.560 is hereby amended to read as follows:

33.560 1. A law enforcement officer who has probable cause to believe that a person poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *, controlling,* purchasing or otherwise acquiring any firearm may file a verified application for an ~~[ex parte or extended]~~ order ~~[.]~~ *for protection against high-risk behavior.*

2. A family or household member who reasonably believes that a person poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *controlling,* purchasing or otherwise acquiring any firearm may file a verified application for an ~~[ex parte or extended order.]~~ *order for protection against high-risk behavior.*

3. A verified application filed pursuant to this section must include, without limitation:

(a) The name of the person seeking the order ~~[and whether he or she is requesting an ex parte order or an extended order;]~~ *for protection against high-risk behavior;*

(b) The name and address, if known, of the person who is alleged to pose ~~[a]~~ *an imminent* risk pursuant to subsection 1 or 2; ~~[and]~~

(c) A detailed description of the conduct and acts that constitute high-risk behavior and the dates on which the high-risk behavior occurred ~~[.]~~ *; and*

(d) Any supplemental documents or information.

4. ~~[Service of]~~ *An applicant is not required to serve, or have served on its behalf,* an application for an ~~[extended]~~ order *for protection against high-risk behavior* and ~~[the]~~ notice of *the* hearing ~~[thereon must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure.]~~ *described in section 1.3 of this act, but an applicant who is a law enforcement officer may in the discretion of the officer serve the verified application and notice of the hearing on the adverse party.*

Sec. 5. NRS 33.570 is hereby amended to read as follows:

33.570 1. The court shall issue an ~~[ex parte]~~ *emergency* order if the court finds by a preponderance of the evidence from facts shown by a verified application filed pursuant to NRS 33.560:

(a) That a person poses an imminent risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or~~

~~having under his or her custody or control or by]~~ *, controlling,* purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. The court may require the person who filed the verified application or the adverse party, or both, to appear before the court before determining whether to issue an ~~[ex parte]~~ *emergency* order.

3. An ~~[ex parte]~~ *emergency* order may be issued with or without notice to the adverse party.

4. ~~[Except as otherwise provided in this subsection, a hearing must not be held by telephone. The court shall hold a hearing on the ex parte order and shall issue or deny the ex parte order on the verified application is filed or the judicial day immediately following the day the verified application is filed. If the verified application is filed by a law enforcement officer, the court may hold the hearing on the ex parte order by telephone, which must be recorded in the presence of the magistrate or in the immediate vicinity of the magistrate by a certified court reporter or by electronic means. Any such recording must be transcribed, certified by the reporter if the reporter made the recording and certified by the magistrate. The certified transcript must be filed with the clerk of the court.~~

~~5. In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte order pursuant to subsection 4.~~

~~6. In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte order pursuant to subsection 4.~~

~~7.]~~ The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 6. NRS 33.580 is hereby amended to read as follows:

33.580 1. The court shall issue an extended order if the court finds by clear and convincing evidence from facts shown by a verified application filed pursuant to NRS 33.560:

(a) That a person poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ *, controlling,* purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. ~~[A hearing on an application for an extended order must be held within 7 calendar days after the date on which the application for the extended order is filed.~~

~~3.]~~ The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 7. NRS 33.590 is hereby amended to read as follows:

33.590 Each ~~[ex parte]~~ *emergency* or extended order issued pursuant to NRS 33.570 or 33.580 must:

1. Require the adverse party to surrender any firearm *that is* in ~~[his or her]~~ *the* possession ~~[or under his or her custody]~~ or control *of the adverse party* in the manner set forth in NRS 33.600.

2. Prohibit the adverse party from possessing or ~~[having under his or her custody or control]~~ *controlling* any firearm while the order is in effect.

3. Include a provision ordering any law enforcement officer to arrest the adverse party with a warrant, or without a warrant if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order.

4. State the reasons for the issuance of the order.

5. Include instructions for surrendering any firearm as ordered by the court.

6. State the time and date on which the order expires.

7. Require the adverse party to surrender any permit issued pursuant to NRS 202.3657.

8. Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an ~~[ex parte]~~ *emergency* or extended order and any other crime that you may have committed in disobeying this order.

Sec. 8. NRS 33.600 is hereby amended to read as follows:

33.600 1. After a court orders an adverse party to surrender any firearm pursuant to NRS 33.590, the adverse party shall, immediately after service of the order ~~[:~~

~~(a) Surrender]~~ *surrender* any firearm *that is* in ~~[his or her]~~ *the* possession or ~~[under his or her custody or]~~ control *of the adverse party* to ~~[the appropriate]~~ *:*

(a) The law enforcement agency designated by the court in the order ~~[; or~~

~~(b) Surrender any firearm in his or her possession or under his or her custody or control to a person, other than a person who resides with the adverse party, designated by the court in the order.]~~ *, if the verified application pursuant to NRS 33.560 was filed by a family or household member; or*

(b) The law enforcement agency of the law enforcement officer who filed the verified application pursuant to NRS 33.560.

2. ~~[If the court orders the adverse party to surrender any firearm to a law enforcement agency pursuant to paragraph (a) of subsection 1,]~~ *At the time any firearm is surrendered,* the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered

and the adverse party shall, not later than ~~[72 hours or]~~ 1 business day ~~[, whichever is later,]~~ after surrendering any such firearm, provide the original receipt to the court. The law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

3. ~~[If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide to the court and the appropriate law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered.~~

~~— 4.]~~ If there is probable cause to believe that the adverse party has not surrendered any firearm *that is* in ~~[his or her]~~ *the* possession or ~~[under his or her custody or]~~ control ~~[within the time set forth in subsections 2 and 3, the court may issue and deliver to]~~ *of the adverse party,* any law enforcement officer *may apply to the court for* a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any such firearm is located and seize the firearm.

~~[5.]~~ *4.* If, while executing a search warrant pursuant to subsection ~~[4,]~~ *3,* the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to execute the search warrant and the execution of the warrant shall be deemed unsuccessful. If such execution is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to execute the search warrant until the search warrant is successfully executed.

~~[6.]~~ *5.* A law enforcement agency shall return any surrendered or seized firearm to the adverse party:

(a) In the manner provided by the policies and procedures of the law enforcement agency;

(b) After confirming that:

(1) The adverse party is eligible to own or possess a firearm under state and federal law; and

(2) Any ~~[ex parte or extended]~~ *emergency* order issued pursuant to NRS 33.570 ~~[or 33.580]~~ is dissolved or no longer in effect ~~[;]~~ *or a court has issued an order to return the surrendered firearms pursuant to NRS 33.640, as applicable;* and

(c) As soon as practicable but not more than 14 ~~*[30]*~~ days after the dissolution *or expiration* of ~~[an ex parte or extended]~~ *the emergency* order ~~[.~~

~~— 7.]~~ *or receiving the order to return the surrendered firearms pursuant to NRS 33.640, as applicable.*

6. If a person other than the adverse party claims title to any firearm surrendered or seized pursuant to this section and ~~[he or she]~~ *the person* is determined by the law enforcement agency to be the lawful owner, the firearm must be returned to ~~[him or her,]~~ *the lawful owner,* if:

(a) The lawful owner agrees to store the firearm in a manner such that the adverse party does not have access to or control of the firearm; and

(b) The law enforcement agency determines that:

(1) The firearm is not otherwise unlawfully possessed by the lawful owner; and

(2) The person is eligible to own or possess a firearm under state or federal law.

~~[8.]~~ *7.* As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 9. NRS 33.620 is hereby amended to read as follows:

33.620 1. The court shall transmit, by the end of the next business day after an ~~[ex parte]~~ *emergency* or extended order is issued or renewed, a copy of the order to the appropriate law enforcement agency.

2. ~~[The]~~ *Unless the adverse party is present at the hearing described in section 1.3 of this act to receive the date of the hearing described in section 1.5 of this act in which the court will determine whether to issue an extended order, the* court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the ~~[ex parte or extended]~~ *emergency* order and *notice of the hearing described in section 1.5 of this act.*

3. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the extended order.

4. The law enforcement agency shall file with or mail to the clerk of the court proof of service *of the emergency order pursuant to subsection 2 or the extended order pursuant to subsection 3* by the end of the next business day after service is made.

~~[3.]~~ *5.* If, while attempting to serve the adverse party personally pursuant to subsection 2 ~~[,]~~ *or 3,* the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to serve the adverse party personally and the service shall be deemed unsuccessful. If such service is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to serve the adverse party personally until the ~~[ex parte]~~ *emergency* or extended order is successfully served.

~~[4.]~~ *6.* A law enforcement agency shall enforce an ~~[ex parte]~~ *emergency* or extended order without regard to the county in which the order was issued.

~~[5.]~~ *7.* The clerk of the court shall issue, without fee, a copy of the ~~[ex parte]~~ *emergency* or extended order to any family or household member *or law enforcement officer* who files a verified application pursuant to NRS 33.560 or the adverse party.

Sec. 10. NRS 33.630 is hereby amended to read as follows:

33.630 1. Whether or not a violation of an ~~[ex parte]~~ *emergency* or extended order occurs in the presence of a law enforcement officer, the officer may arrest and take into custody an adverse party:

(a) With a warrant; or

(b) Without a warrant if the officer has probable cause to believe that:

(1) An order has been issued pursuant to NRS 33.570 or 33.580 against the adverse party;

(2) The adverse party has been served with a copy of the order; and

(3) The adverse party is acting in violation of the order.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and ~~[ex parte]~~ *emergency* or extended order, the officer shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that ~~[he or she]~~ *the adverse party* has notice of the provisions of the order and that a violation of the order will result in his or her arrest;

(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order; and

(d) Inform the adverse party of the date and time set for a hearing on an application for an ~~[ex parte]~~ *emergency* or extended order, if any.

3. Information concerning the terms and conditions of the ~~[ex parte]~~ *emergency* or extended order, the date and time of any notice provided to the adverse party and the name and identifying number of the law enforcement officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

Sec. 11. NRS 33.640 is hereby amended to read as follows:

33.640 1. ~~[An ex parte order expires within such time, not to exceed 7 days, as the court fixes. If a verified application for an extended order is filed within the period of an ex parte order or at the same time as an application for an ex parte order pursuant to NRS 33.560, the ex parte order remains in effect until the hearing on the extended order is held.~~

~~2. An extended order expires within such time, not to exceed 1 year, as the court fixes.~~

~~3.]~~ The family or household member or law enforcement officer who filed the verified application *pursuant to NRS 33.560* or the adverse party may request in writing to appear and move for the dissolution of an ~~[ex parte]~~ *emergency* or extended order. Upon a finding by clear and convincing evidence that the adverse party no longer poses ~~[a]~~ *an imminent* risk of causing *a self-inflicted injury or a* personal injury to ~~[himself or herself or]~~ another person by possessing ~~[or having under his or her custody or control or by]~~ , *controlling*, purchasing or otherwise acquiring any firearm, the court shall dissolve the order. If ~~[the court finds that]~~ all parties ~~[agree]~~ *stipulate* to dissolve the order, the court shall dissolve the order upon a finding of good cause.

~~[4.]~~ *2. Upon the expiration or dissolution of an extended order, the court shall:*

(a) Order the return of any firearm surrendered by the adverse party; and

(b) Provide a copy of the order to:

(1) The adverse party; and

(2) The law enforcement agency holding any such surrendered firearm.

3. Not less than 3 months before the expiration of an extended order and upon petition by a family or household member or law enforcement officer, the court may, after notice and a hearing, renew an extended order upon a finding by clear and convincing evidence. Such an order expires within a period, not to exceed 1 year, as the court fixes.

Sec. 12. NRS 33.650 is hereby amended to read as follows:

33.650 1. Any time that a court issues an ~~[ex parte]~~ *emergency* or extended order or renews an extended order and any time that a person serves such an order or receives any information or takes any other action pursuant to NRS 33.500 to 33.670, inclusive, the person shall, by the end of the next business day:

(a) Cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository; and

(b) Transmit a copy of the order to the Attorney General.

2. If the Central Repository for Nevada Records of Criminal History receives any information described in subsection 1, the adverse party may petition the court for an order declaring that the basis for the information transmitted no longer exists.

3. A petition brought pursuant to subsection 2 must be filed in the court which issued the ~~[ex parte]~~ *emergency* or extended order.

4. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the basis for the ~~[ex parte]~~ *emergency* or extended order no longer exists.

5. The court, upon granting the petition and entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History.

6. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 5, the Central Repository for Nevada Records of Criminal History shall take reasonable steps to ensure that the information concerning the adverse party is removed from the Central Repository.

7. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 6, the adverse party may bring an action to compel the removal of the information. If the adverse party prevails in the action, the court may award the adverse party reasonable attorney's fees and costs incurred in bringing the action.

8. If a petition brought pursuant to subsection 2 is denied, the adverse party may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 13. NRS 33.660 is hereby amended to read as follows:

33.660 1. A person shall not file a verified application for an ~~[ex parte]~~ *emergency* or extended order:

(a) Which ~~[he or she]~~ *the person* knows or has reason to know is false or misleading; or

(b) With the intent to harass the adverse party.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 14. NRS 33.670 is hereby amended to read as follows:

33.670 A person who intentionally violates an ~~[ex parte]~~ *emergency* or extended order is, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, guilty of a misdemeanor.

Sec. 15. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone and for the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An ~~[ex parte]~~ *emergency* order for protection against high-risk behavior pursuant to NRS 33.570.

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

> That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 16. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an ~~[ex parte]~~ *emergency* or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an ~~[ex parte]~~ *emergency* or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 17. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An ~~[ex parte]~~ *emergency* or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

(f) A temporary or extended order issued pursuant to NRS 200.378; or

(g) A temporary or extended order issued pursuant to NRS 200.591,

➥ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person 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 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery

which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 18. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is:

(1) Twenty-one years of age or older; or

(2) At least 18 years of age but less than 21 years of age if the person:

(I) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or

(II) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has:

(1) Been convicted of violating the provisions of NRS 484C.110; or

(2) Participated in a program of treatment pursuant to NRS 176A.230 to 176A.245, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently subject to an ~~[ex parte]~~ *emergency* or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580.

(i) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(j) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(k) Has made a false statement on any application for a permit or for the renewal of a permit.

(l) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) If the applicant is a person described in subparagraph (2) of paragraph (a) of subsection 3, proof that the applicant:

(1) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, as evidenced by his or her current military identification card; or

(2) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions, as evidenced by his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," or other document of honorable separation issued by the United States Department of Defense;

(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 19. 1. Sections 1.7, 3, 4, 5, 7 and 9 to 18, inclusive, of this act shall be construed as making amendments to provisions of state law for the purpose of substituting the term "emergency order" for "ex parte order."

2. Any judicial interpretation of a state law that is rendered, issued or entered before July 1, 2021, which includes an interpretation of the term "ex parte order" which is amended by or as a result of this act to refer instead to "emergency order" shall be deemed to have the same meaning as though the term had remained unchanged.

Sec. 20. NRS 33.610 is hereby repealed.

Sec. 21. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

33.610 Duty of court to assist parties.

1. The clerk of the court or other person designated by the court shall provide any family or household member who files a verified application pursuant to NRS 33.560 or any adverse party, free of cost, with information about the:

(a) Availability of ex parte or extended orders;

(b) Procedures for filing an application for such an order;

(c) Procedures for modifying, dissolving or renewing such an order; and

(d) Right to proceed without counsel.

2. The clerk of the court or other person designated by the court shall assist any person in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for an ex parte or extended order. This assistance does not constitute the practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 449 to Senate Bill No. 6 only addresses the issue of returning an individual's firearms, leaving it with what the law is currently at 14 days rather than changing it to 30 days. Testimony from the judge and law enforcement indicated it has not been a problem to date. They would have liked more time, but they can do it within that provision. Therefore, I support the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senator Cannizzaro moved that the Senate adjourn until Monday, April 19, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:55 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate