THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 19, 2021

Senate called to order at 11:41 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain Todd Brown.

Lord, as the men and women of the Senate come together today to discuss various things, I pray they would be united in their thoughts and actions. Let them care for one another and place unity in the forefront of their dealing with one another.

Lord, guide them as they work together. Give each one of them courage as they forge ahead in these trying times. Give them perseverance in representing their communities and our State.

Heavenly Father, our communities, State and Country desire change, change combined with stability. The men and women of the Senate represent the tip of the spear when it comes to change and stability that the citizens of this Great State of Nevada and Country want. Give them wisdom to make wise decisions.

Lord, I close with asking that You give them the strength and wisdom equal to the tasks You have set before them.

In Jesus' Name, I pray.

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. 36, 172, 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 were referred Senate Bills Nos. 4, 138, 150, 254, 286, 297, 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. 18, 328, 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. 274, 275, 318, 341, 379, 391, 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. 21, 50, 143, 147, 203, 267, 332, 369, 385, 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 were referred Senate Bills Nos. 63, 370, 407, 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 16, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 178.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 54, 67, 105, 109, 154, 210, 320, 342, 398.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that, through April 20, 2021, all necessary rules be suspended, that the reprinting of Senate Bills and Joint Resolutions amended on the General File or Resolution File be dispensed with, that the Secretary be authorized to insert amendments adopted by the Senate, and that the bill or joint resolution be placed on the appropriate reading file and considered next.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 190 be taken from the Secretary's desk and placed on the General File on the second Agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 160, 251, 294 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 54.

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

Motion carried.

Assembly Bill No. 67.

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

Motion carried.

Assembly Bill No. 105.

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

Motion carried.

Assembly Bill No. 109.

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

Motion carried.

Assembly Bill No. 154.

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

Motion carried.

Assembly Bill No. 178.

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

Motion carried.

Assembly Bill No. 210.

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

Motion carried.

Assembly Bill No. 320.

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

Motion carried.

Assembly Bill No. 342.

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

Motion carried.

Assembly Bill No. 398.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 2 requires the Board of Trustees of a school district or the governing body of a charter school to assess the reading proficiency of a pupil during each elementary school grade level, as necessary, and removes the requirements that these entities report certain information concerning pupils with disabilities to Nevada's Department of Education (NDE). The bill allows NDE to prescribe regulations for assessing the development of pupils enrolled in kindergarten. Senate Bill No. 2 revises the height-and-weight measurement requirements of certain pupils in certain grades.

Roll call on Senate Bill No. 2:

YEAS—21.

NAYS—None.

Senate Bill No. 2 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.

Remarks by Senator Scheible.

Senate Bill No. 6 makes various changes to provisions governing orders for protection against high-risk behavior. Among other things, the bill replaces the term "ex parte order" with "emergency order." It revises various procedures and requirements associated with filing an application for an order for protection against high-risk behavior. It establishes various procedures relating to hearings on applications for a protection order. The bill removes 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 injury to another person. It revises the persons to whom an adverse party must surrender firearms and requires a court to order the return of any surrendered firearm of an adverse party upon the expiration of an extended order for protection. It revises provisions relating to the dissolution of orders for protection. It also eliminates the requirement for a court clerk or designee to assist certain persons relating to orders for protection.

Roll call on Senate Bill No. 6:

YEAS—16.

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

Senate Bill No. 6 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 8.

Bill read third time.

Remarks by Senator Pickard.

Senate Bill No. 8 establishes provisions for the transfer of jurisdiction of a guardianship of a juvenile from another state to Nevada and for the recognition of a guardianship order for a juvenile that was issued in another state. It also authorizes a guardian appointed in this State to petition to transfer the guardianship to another state and sets forth provisions regarding court orders that must be issued in such matters including when a guardianship in another state is terminated and whether a guardianship needs to be modified to comply with Nevada law.

The bill revises the definition of "home state" for the purposes of determining the home state of a child less than six months of age. It authorizes a court to appoint a guardian in this State for a minor whose home state is not Nevada but who is physically present in this State. It authorizes a court to appoint a guardian of the child, the estate or both if the court has jurisdiction to make an initial child-custody decision under the Uniform Child Custody Jurisdiction and Enforcement Act.

Roll call on Senate Bill No. 8:

YEAS—21.

NAYS—None.

Senate Bill No. 8 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 59 provides that after service and filing of a reply memorandum by the Public Utilities Commission of Nevada and any other respondents in an action seeking judicial review of a final decision of the Commission, no further memoranda may be filed. The bill deletes the provision stating when the action is at issue.

Roll call on Senate Bill No. 59:

YEAS—16.

NAYS—Buck, Hansen, Pickard, Seevers Gansert, Settelmeyer—5.

Senate Bill No. 59 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 75.

Bill read third time.

Remarks by Senators Lange and Pickard.

SENATOR LANGE:

Senate Bill No. 75 makes various changes to the administration of the Nevada Unemployment Compensation Program, including: revising provisions concerning the weekly benefit amount for unemployment compensation; establishing requirements for determining the eligibility for unemployment benefits for persons who provide services in multiple capacities for educational institutions; providing 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; authorizing extended benefits to be paid without waiting 14 weeks between extended benefit periods, if authorized by the United States Department of Labor; authorizing the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation (DETR) to disclose certain confidential information related to unemployment compensation in accordance with federal law, and authorizing the Administrator to send by electronic transmission certain communications related to unemployment compensation.

Provisions of this bill that revise the weekly benefit amount for unemployment compensation are effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2022, for all other purposes. Provisions that allow extended benefits to be paid without waiting are effective upon passage and approval and apply retroactively to December 27, 2020. All other provisions are effective on July 1, 2021.

SENATOR PICKARD:

This bill represents what is wrong with much of this Session. This is the only bill brought by DETR, yet it fails to address the bulk of the problems including the structural and technological deficits keeping thousands of people from getting the benefits for which they paid. I am happy the amendment will address some of the deficits to help those who have waited more than a year to receive their benefits, but I am amazed anyone thinks this is enough. While the amendments added some things that will help, we are missing the boat if we do not fix the fundamental problems this bill ignores.

Senate Bill No. 75 allows school employees to receive unemployment benefits during the summer months, where there was no original expectation of work during this time. The understanding was that those who get the summer months off would be paid their entire year's contract over nine months. Those who did not have a contract were hired for nine months of work. This is a give-away I cannot support. I urge my colleagues to vote this measure down.

Roll call on Senate Bill No. 75:

YEAS—12.

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

Senate Bill No. 75 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 122.

Bill read third time.

Remarks by Senators Brooks, Settelmeyer, Ohrenschall and Seevers Gansert.

SENATOR BROOKS:

Senate Bill No. 122 requires certain employees and supervisory employees at a cannabis establishment to obtain a card stating that he or she has completed an approved general-industry safety and health-hazard recognition and prevention course and to present the completion card to his or her employer. If an employee or supervisory employee fails to do so, the cannabis establishment must suspend or terminate the employment of the individual. The bill requires the Division of Industrial Relations of the Department of Business and Industry to assess administrative fines against a cannabis establishment that fails to suspend or terminate an employee as required.

The measure also provides that an employee or supervisor hired before the effective date of this bill must obtain a completion card no later than July 1, 2022. Senate Bill No. 122 requires the Division to establish a registry of providers of approved general-industry safety and health-hazard recognition and prevention courses.

SENATOR SETTELMEYER:

During the testimony on Senate Bill No. 122, no information was provided showing this industry has had a problem in this respect. I have reached out and talked to some of the larger members of this industry, and they have seen no evidence to show this is a necessary bill. It is the equivalent of indicating any retail worker will have to have an OSHA 10 card. That makes this a barrier to employment. It gives an unfair advantage to those who may have had OSHA 10 training in other jobs and gives them a leg-up to get that job. Since we are in a time when it is difficult for people to find jobs, I see no reason to create barriers to entrance. I do not support the bill.

SENATOR OHRENSCHALL:

On Friday the 16th, pursuant to Senate Standing Rule 23, I made a disclosure to this Body about my wife serving as a member of the Nevada Cannabis Compliance Board. I abstained from voting on the amendment that was on Second Reading to Senate Bill No. 122. I have consulted with Legislative Counsel. The first reprint on Senate Bill No. 122 no longer references the Cannabis Compliance Board, and I have been advised by Legislative Counsel that I may participate in this vote. I want to inform the Body that pursuant to the advice I received by Legislative Counsel, I will be participating in this vote as it no longer affects the Nevada Cannabis Compliance Board.

SENATOR SEEVERS GANSERT:

Does the Cannabis Compliance Board have the authority to do this, and are they currently requiring any type of safety training for employees?

SENATOR BROOKS:

Currently, the Cannabis Compliance Board can require safety training for employees, but I do not know if they currently do. This would fall under the OSHA Industrial Relations Division and would not be under the Cannabis Compliance Board.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 122 because it should be under the Cannabis Compliance Board. This is a narrow niche, and they should control it if safety training is required. This bill could require this training for retail employees the way it is written. The Cannabis Compliance Board is the right entity to require training and make it specific to the industry and its work.

Roll call on Senate Bill No. 122:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—7.

Senate Bill No. 122 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 146 revises laws related to behavioral healthcare for children with emotional disturbances who are subject to a juvenile court's jurisdiction for reasons relating to protection from abuse and neglect. Specifically, when such a child is admitted to a public or private, inpatient psychiatric-treatment facility, the bill requires the administrative officer or staff of the facility to ask the person or entity with legal custody of the child whether he or she has a health-care provider who regularly provides mental or behavioral health-care. If the child has such a provider, staff of the facility must make a reasonable effort to consult with the provider concerning the child's admittance and care and to coordinate on a plan to discharge the child from the facility.

Roll call on Senate Bill No. 146:

YEAS—21.

NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151.

Bill read third time.

Remarks by Senators Dondero Loop and Kieckhefer.

SENATOR DONDERO LOOP:

Senate Bill No. 151 requires the Board of Trustees in Nevada's two largest school districts to develop a plan to improve the ratio between pupils in specialized instructional-support personnel including and retention strategies for such personnel in annual targets to meet the recommended ratios. The bill requires each of the two districts to submit an annual report to the Nevada Department of Education concerning its plan and the plan's effectiveness. The Department must then submit a compiled report to the Governor, the Legislature and the State Board of Education. Additionally, Senate Bill No. 151 requires school counselors, psychologists and school social workers to complete continuing-education requirements as established by the Commission on Professional Standards on Education and the Board of Examiners for Social Workers respectively. Provisions concerning the plan to improve the pupil to a specialized instructional-support personnel ratio are effective on July 1st, 2021.

SENATOR KIECKHEFER:

The sponsor of the bill is dedicated to ensuring there are an adequate number of social workers in schools. Unfortunately, I cannot support Senate Bill No. 151 due to the fact that the funding structure we are creating and putting in place right now will result in Washoe and Clark Counties cutting the number of social workers they have as we roll it into base and underfund that base. As their contractual obligations continue to increase and they are stuck in hold-harmless provisions with 2020-level funding for Fiscal Year 2022, they will need to find that money elsewhere. When we are able to make adjustments to that budget as we continue to close out the Session, hopefully, this measure will be able to be implemented with the integrity it needs to ensure that social workers are being funded at a necessary level to ensure adequate hiring throughout our two largest counties because we know our kids need it. With that, I oppose Senate Bill No. 151.

Roll call on Senate Bill No. 151:
YEAS—18.
NAYS—Hansen, Kieckhefer, Settelmeyer—3.

Senate Bill No. 151 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 166.
Bill read third time.
Remarks by Senator Scheible.
Senate Bill No. 166 removes a provision of law which requires that in order for certain penalty enhancements to apply to felonies committed because of characteristics of the victim, including color, gender identity or expression, mental or physical disability, national origin, race, religion, or sexual orientation, the perpetrator must not share those characteristics with the victim.
Instead, this bill provides that the perpetrator may be punished by an additional penalty if the crime was committed based solely on the characteristics of the victim, which makes the standard for these crimes the same as the standard that applies in misdemeanor cases.

Roll call on Senate Bill No. 166:
YEAS—12.
NAYS—Buck, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—9.

Senate Bill No. 166 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 168.
Bill read third time.
Remarks by Senator Lange.
Senate Bill No. 168 makes various changes related to cannabis. Specifically, it requires the Cannabis Compliance Board to adopt regulations governing curbside pickup and allowing certain records to be created and maintained electronically.
The bill authorizes the Board to adopt regulations imposing packaging and labeling requirements for cannabis products. In addition, cannabis-sales facilities are authorized to engage in curbside pickup in accordance with Board regulations. The bill revises labeling requirements to require cannabis establishments to ensure that all cannabis products are labeled with certain information, and it requires cannabis-sales facilities to "convey" certain information, rather than providing written notification.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Senate Bill No. 168:
YEAS—19.
NAYS—Hansen.
NOT VOTING—Ohrenschall.

Senate Bill No. 168 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 186.
Bill read third time.
Remarks by Senators Spearman, Pickard and Settelmeyer.

SENATOR SPEARMAN:

Senate Bill No. 186 prohibits a collection agency from collecting a debt from a person who owes fees to an apartment manager, homeowner's association or tow car operator, under certain circumstances. In addition, the bill requires a collection agency to file an annual report with the Commissioner of the Division of Financial Institutions of the Department of Business and Industry that includes certain information pertaining to a debt collected for a homeowner's association during the immediately preceding year. The manager of the collection agency must provide a signed statement affirming the collection agency did not collect a debt against a prohibited person.

SENATOR PICKARD:

I was raised by a mother who was active in the effort to integrate the public schools where I lived. I vividly remember the first black student who was bused into my elementary school and with whom I shared a close friendship at the time. My mother was actively engaged in the movement and taught me to look at behavior rather than appearance when judging people. I have forever been influenced by her determination.

Today, some 50 years later, I am saddened by the open and explicit efforts to insert into the statutory scheme racially conscious advantages. These appear to me to represent reparations rather than the principles of true equality this Body expressly adopted in Senate Joint Resolution No. 8 of the 80th Session, to say nothing of the long and arduous history of the effort to stop race-based governmental decision-making. A long list of decisions from the United States Supreme Court, beginning with *California v. Bakki*, make it clear we are to avoid race-conscious bases for the decisions we make in government.

It is ironic that the effort to rid our Country of the ravages of prejudice and slavery was largely a Republican effort, which was most loudly opposed by entrenched southern Democrats. The effort to remove the vestiges of racism in the human condition is, or should be, nonpartisan. This is vitally important if we are to unleash the potential each man and woman in this Country is entitled to pursue. The goal should be to place every person who is seeking fulfillment in a position where they may obtain it based on their personal traits and perseverance, no matter how those traits may appear.

Ultimately, the race-conscious language in this bill has been eliminated by the amendments; however, the history of the bill makes clear its intent. This bill is unnecessary and overly burdensome on HOAs and their ability to collect legitimate assessments that remain unpaid. The perception of conflict between HOAs, their community manager, if they have one, and a collection effort to obtain the duly owed assessment is only that, a perception.

Senate Bill No. 186 will unnecessarily harm small HOAs that manage their own communities. Large HOAs already do what this bill requires. Since this bill unduly harms the small HOAs and fails to consider the reality of the need for assessments to be paid, I cannot support it. The race-conscious legislative history of this bill cannot be unspoken any more than we can unring a bell. Although others may disagree, it is my legal opinion that this history has forever tainted this bill by demonstrating its goal of race-based decision-making; therefore, I cannot support it. If we wish to find true equality in treatment, it must begin with race-neutral goals that put all people on an even playing field. We cannot simply change the parameters of the prejudice that moves one ahead at the expense of another.

SENATOR SETTELMEYER:

One of the issues that came across to me was the inability of an HOA to collect their own assessments. I represent a community that has a large number of smaller HOAs. Having to go outside and having to give someone a cut of the collection of those fees will have unintended consequences. This will naturally lead to higher HOA fees at a time when rents are skyrocketing. I cannot support Senate Bill No. 186.

SENATOR SPEARMAN:

I would like to reference the statement of abstention my colleague from Senate District 21 makes each time there is a bill related to his wife's employment. He wants to make it abundantly clear there is no incidence of unethical behavior occurring.

When LCB first delivered this bill to me, I read it. When they delivered the amendment, I read it. This bill puts collection agencies under the same type of ethical judgement. I do not know if there is anyone in this Chamber who believes it is ethical if one person owns an HOA and the same person owns the collection agency to which the HOA sends delinquent bills. I read the bill and the amendment. This bill simply says "by zip code." That is not race.

Roll call on Senate Bill No. 186:

YEAS—15.

NAYS—Buck, Goicoechea, Hammond, Hansen, Pickard, Settelmeyer—6.

Senate Bill No. 186 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 188.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 188 provides for the establishment of the Individual Development Account (IDA) program by the Office of the State Treasurer once sufficient money is obtained. This allows certain persons from low-income households to establish an IDA into which a person deposits money to save and use later. The State Treasurer may select one or more fiduciary organizations to administer IDA.

To establish an account, an eligible person and the fiduciary organization must enter into an agreement in which the account holder deposits funds into a financial institution, and the fiduciary organization matches the funds with not more than $5 for each $1 deposited by the account holder, up to $3,000 of matching funds in any 12-month period. Money in an IDA may be withdrawn for specific purposes, including postsecondary education, job training, rental or purchase of a primary residence, establishing a small business, retirement savings, among others.

If the Department of Health and Human Services (DHHS), a foster-care licensing agency or housing authority receives funding from the State Treasurer, the entity must ensure instruction in financial literacy is provided to IDA holders. These accounts may not be considered income when determining eligibility for Medicaid or a housing project.

Senate Bill No. 188 also creates the Nevada Statewide Council on Financial Independence, which is responsible for developing Statewide priorities and strategies for helping individuals who receive public assistance or social services to increase their financial independence, coordinate with State agencies and oversee the IDA program.

Finally, the bill requires the State Treasurer to ensure that instruction and training in business opportunities is provided to tenants of housing authorities and certain nonprofits and to appoint and employ a deputy of financial literacy and security.

Roll call on Senate Bill No. 188:

YEAS—21.

NAYS—None.

Senate Bill No. 188 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 209.

Bill read third time.

Remarks by Senators Donate, Kieckhefer and Seevers Gansert.

SENATOR DONATE:

Senate Bill No. 209 requires certain employers in private employment to provide employees two or four hours of paid leave for the purpose of their employees receiving COVID-19 vaccinations. The bill also requires employers to allow an employee to use paid leave for any use, including, without limitation, to receive certain medical treatments, participate in caregiving or address other personal needs related to the health of the employee.

In addition, the bill requires the Legislative Committee on Health Care to conduct a study during the 2021-2022 Interim regarding the State's response to the COVID-19 health crisis. The bill requires the Committee to report the results of the study and any recommendations to the Governor and LCB for transmittal to the 82nd Session of the Legislature.

SENATOR KIECKHEFER:

I am unabashedly provaccine, and I support the provisions of section 1 in full. The idea, however, of charging the Legislative Committee on Health Care with the job of conducting an Interim study of the State's response to COVID-19 is a herculean task that is most appropriate elsewhere. I usually object to bills that direct committee chairs and tell them what to do; that should be their discretion. As such, I will be voting against Senate Bill No. 209.

SENATOR SEEVERS GANSERT:

I support Senate Bill No. 209. It has been over a year, and we are, finally, beginning to turn the corner, in large part due to vaccines. We need to urge everyone to get vaccinated. If having to take time off work is an obstacle to some people being vaccinated, then, this is a good bill to move forward. We need to urge everyone to get the vaccination so we can continue to move forward and stay safe.

Roll call on Senate Bill No. 209:

YEAS—19.

NAYS—Hansen, Kieckhefer—2.

Senate Bill No. 209 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 215.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 215 requires the Board of Trustees of a school district, a charter school governing board and the governing body of a university school for profoundly gifted pupils to develop and present plans for distance education and to share those plans with the school community, families and school employees. Such entities must also develop and implement a plan to make the necessary technology available for certain pupils and school employees. Charter schools seeking to provide a distance-education program are required to submit a request to their sponsors to amend their charter contracts.

Furthermore, Senate Bill No. 215 defines distance education, distance-education eligibility and allows students who demonstrate proficiency in a distance-education course to complete the course in a shorter time than normally allowed. The bill removes certain limitations on instruction programs based on an alternative schedule. Finally, a teacher must provide distance-education course information to the student and the student's legal guardian.

Roll call on Senate Bill No. 215:

YEAS—21.

NAYS—None.

Senate Bill No. 215 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290.

Bill read third time.

The following amendment was proposed by Senator Lange:

Amendment No. 442.

SUMMARY—Enacts provisions relating to prescription drugs for the treatment of cancer. (BDR 57-973)

AN ACT relating to insurance; requiring 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 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 13 of this bill require all health insurers, including 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 13 require an insurer to: (1) grant such an exemption in certain circumstances; and (2) post a form for applying for such an exemption in an easily accessible location on the Internet website of the insurer. Sections 2 and 5 of this bill make conforming changes to indicate the placement of sections 1 and 4 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. ~~[Except as otherwise provided in subsection 9, an]~~ 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, 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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. ~~[Except as otherwise provided in subsection 9, an]~~ 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, 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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. ~~[Except as otherwise provided in subsection 9, a]~~ 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, 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 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. 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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. ~~[Except as otherwise provided in subsection 9, a]~~ 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, 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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. ~~[Except as otherwise provided in subsection 9, a]~~ 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, 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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. ~~[Except as otherwise provided in subsection 9, a]~~ 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, 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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 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. ~~[Except as otherwise provided in subsection 9, a]~~ 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, 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 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 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.]*~~ *9. 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.*

~~*[11.]*~~ *10. 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. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (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 Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 442 makes one change to Senate Bill No. 290. It deletes provisions 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.

Amendment adopted.

Bill read third time.

Remarks by Senators Lange and Pickard.

SENATOR LANGE:

Senate Bill No. 290 requires certain health insurers to grant an exemption of its step-therapy protocol upon receipt of an application from an insured or attending practitioner of the insured who has been diagnosed with stage 3 or 4 cancer under certain circumstances. Health insurers must decide on an exemption of the step protocol or may request additional information necessary to complete the application within 72 hours of receipt of an application. However, an insurer must decide as expeditiously as necessary if the attending practitioner determines that a step-therapy process may seriously jeopardize the life or health of the insured.

The bill requires health insurers to provide coverage for the requested prescription drug in accordance with the terms of the applicable health-insurance policy. Finally, a health-insurance policy issued or renewed on or after October 1, 2021, must include the required coverage and any provision of the policy that conflicts is void.

SENATOR PICKARD:

I generally oppose telling insurance companies how to manage their risk, but I applaud my colleague from Senate District 7. This is the exception to that rule where we are talking about an attempt to save someone's life. Ultimately, insurance companies are there to make sure that happens. I support Senate Bill No. 290 and urge my colleagues to do the same.

Roll call on Senate Bill No. 290:

YEAS—21.

NAYS—None.

Senate Bill No. 290 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered reprinted, re-engrossed and transmitted to the Assembly.

Senate Bill No. 293.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 293 prohibits certain private and public employers from inquiring about an applicant's wage or salary history or discriminating against an applicant who refuses to provide such information. The bill requires employers to disclose the salary range or wage rate to an applicant under certain circumstances. The bill provides that an employer who violates the prohibitions of this bill may be subject to an administrative penalty of not more than $5,000 for each violation. Senate Bill No. 293 authorizes a person who believes he or she has been discriminated against by an employer's inquiry of his or her wage or salary history to file a complaint and request a right-to-sue notice from the Nevada Labor Commissioner.

Roll call on Senate Bill No. 293:

YEAS—17.

NAYS—Buck, Hammond, Hansen, Pickard—4.

Senate Bill No. 293 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 309.

Bill read third time.

Remarks by Senators Neal and Kieckhefer.

SENATOR NEAL:

Senate Bill No. 309 establishes a Reinvestment Advisory Committee in each county of the State with a population of 700,000 or more, currently Clark County. The bill outlines membership of the Committee and prescribes the duties of a Reinvestment Advisory Committee. This includes reviewing reports from the Division of Health Care Financing and Policy of DHHS and Medicaid Managed Care Organizations (MCOs) regarding reinvestment of funds in the communities they serve. They are to report to the Division and MCOs about local initiatives to address homelessness, housing issues and social determinants of health and make recommendations regarding the use of funds by MCOs to develop innovative partnerships with community development organizations and providers of housing services and to support certain local government initiatives. An annual report is to be submitted on these issues and the Committee's activities.

SENATOR KIECKHEFER:

I oppose Senate Bill No. 309 because it puts legislative structure around what is ultimately a new tax created on business by the Executive Branch of government. This is in relation to the issuance of a new proposal request for managed-care organizations over Medicaid, which mandates those companies invest 3 percent of their pretax profits back into the State. That percentage will go up unilaterally at the discretion of State Executive Branch. This is an overreach and could set unfortunate precedent on how the State interacts long-term with the private sector. If we do this for managed-care, Medicaid MCOs, what is to stop us from doing it for any other business with whom we contract with.

Roll call on Senate Bill No. 309:

YEAS—12.

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

Senate Bill No. 309 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 317 provides that if an employee of a juvenile-justice services department in a county whose population is more than 700,000, currently Clark County, is put on leave without pay pending the outcome of a criminal prosecution, the employee will be awarded back pay for the duration of the leave if the charges against the employee are dismissed, the employee is found not guilty at trial or the employee is not subjected to punitive action in connection with the alleged misconduct. The bill also provides that the period of 180 days during which an employee of such a juvenile-justice services department may resolve pending criminal charges begins after arrest.

Roll call on Senate Bill No. 317:

YEAS—12.

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

Senate Bill No. 317 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327.

Bill read third time.

Remarks by Senators Neal and Harris.

SENATOR NEAL:

Senate Bill No. 327 provides that "race," for the purposes of prohibited discrimination, include traits associated with race, including hair texture and protective hairstyles. The bill also sets forth certain requirements governing testing used by a city, county or school district for a decision regarding the promotion of an employee and makes it a category E felony to tamper with the test score of an employee. It requires the Nevada Equal Rights Commission to provide complainants with certain information.

Senate Bill No. 327 is part of the Crown Act, which has passed in at least 11 states, and has been presented as a bill at the Congressional level. It is sponsored by Dove, a national company focused on hair discrimination and what is happening in the work environment. This bill is a new step for Nevada but is one taken by several other states to attempt to deal with hair discrimination within our communities.

SENATOR HARRIS:

I would like to thank my colleague from Senate District 4 for the great work she has done on bringing forward this much-needed legislation. This is something new to some people in this Chamber, but it is very real to others who have spent years trying to make sure their hair is appropriate based upon what is often someone else's standard. I encourage my colleagues to support this measure.

Roll call on Senate Bill No. 327:

YEAS—20.

NAYS—Hansen.

Senate Bill No. 327 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 363.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 363 requires each of Nevada's charter-school governing bodies that have a contract with an educational management organization to report to the sponsor of the charter school the amount paid to the respective management organization. Additionally, each sponsor of a charter school that has a contract with an educational management organization must submit a report with the same information to the Legislature. The bill requires these reports to be submitted by November 1 of each even-numbered year.

Roll call on Senate Bill No. 363:

YEAS—19.

NAYS—Hansen, Kieckhefer—2.

Senate Bill No. 363 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 383.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 383 creates and defines three classes of electric bicycles based on their capabilities. The measure clarifies that electric bicycles are permitted wherever bicycles are permitted except as otherwise specified or prohibited in State or federal law. Local governments and State agencies may prohibit the use of electric bicycles on shared-use paths as needed to protect public health and safety or to comply with other laws or obligations and may also regulate their use on trails designed for nonmotorized use.

The bill prohibits a person under 16 years of age from operating a Class 3 electric bicycle and requires operators and passengers of Class 3 electric bicycles to wear bike helmets. New electric bicycles sold in Nevada on or after October 1, 2021, must comply with federal manufacturing and equipment standards. Further, beginning January 1, 2022, manufacturers and distributors of electric bicycles must apply a label containing specified information. The measure requires certain equipment on electric bicycles and prohibits tampering with the speed capability or disengagement devices unless the label is modified.

Senate Bill No. 383 adds electric bicycles to the statute protecting property owners against liability for recreational bicycling on their property and to the statute making it a crime to throw objects at a bicycle or to damage or deface a bicycle.

Roll call on Senate Bill No. 383:

YEAS—12.

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

Senate Bill No. 383 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396.

Bill read third time.

Remarks by Senator Donate.

Senate Bill No. 396 authorizes public agencies in Nevada to enter into agreements with private .entities within or outside of this State for the purchase of prescription drugs, pharmaceutical services or medical supplies and related services. In addition, it authorizes DHHS to enter into such an agreement for the purchase of prescription drugs for Medicaid or the Children's Health Insurance Program (CHIP). The bill also exempts from certain transparency, rebate and audit requirements certain Medicaid or CHIP contracts between DHHS and a pharmacy benefit manager or health-maintenance organization entered pursuant to an agreement for the collaborative purchase of prescription drugs.

Roll call on Senate Bill No. 396:

YEAS—21.

NAYS—None.

Senate Bill No. 396 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 406.

Bill read third time.

Remarks by Senators Donate and Hansen.

SENATOR DONATE:

Senate Bill No. 406 authorizes the Department of Wildlife to designate a paper or electronic form for a tag that is to be attached to a species of wildlife before the holder of a tag takes possession of the species. The holder of an electronic tag must validate it before transporting the wildlife.

The bill removes the requirement that any person 65 years of age or older must have continuously resided in the State for the 5 years immediately preceding the date of the application to qualify for an annual, resident specialty-combination hunting and fishing license.

SENATOR HANSEN:

I support amended Senate Bill No. 406, 100 percent. My concern was caught by the Chair of the Committee. The original bill dealt with the Wildlife Trust Fund, and it was amended. We received this bill the first week in April, and there are serious amendments we may want to add down the road. In section 503.585 regarding the Wildlife Trust Fund, it says, "Any money received as private money and not state money … all of the money in the Wildlife Trust Fund must be expended in the sound discretion of the Director." This fund is already exempt under NRS 333 from the State purchasing requirements. What they wanted to do was eliminate the little bit of oversight we have.

Everyone here wants to see an expansion of transparency; there is no question about that. The Wildlife Trust Fund is highly unusual in the way it is structured. It became known during a January Interim Finance Committee meeting that the U.S. Navy gave the Department of Wildlife over $1 million that was then funneled into the Wildlife Trust Fund. The only reason we found out about it was because of the oversight required under NRS 353.335. This section says, "A State agency may accept any gift or grant of property or services only if it is included in an act of the Legislature authorizing expenditures of such nonappropriated money." The original bill said, "…the provisions of NRS 353.335 do not apply … ." They were going to remove the little bit of oversight that existed under State law. This means we would not have known about the money given to the Department of Wildlife by the U.S. Navy, and it would be expended at the sound discretion of the Director.

They claimed they had to have the removal of NRS 353.335 because of emergencies, but if you read that section, it says, "If, because of an emergency, any money can be expended, the Governor shall take a reasonable and proper action to accept it and shall report the action." If there is an emergency, under State law, they still have some oversight. I am going to work with the other side to amend this bill to add substantially higher levels of oversight and expand transparency. I am uncomfortable having an agency of the federal government funnel money through a State agency with zero oversight.

I am 100 percent in favor of this bill, but we need to take a good look at the Wildlife Trust Fund and its expending of funds. There is something funny about it. I urge my colleagues to vote in favor of Senate Bill No. 406. I hope we will be able to get some amendments to expand transparency, especially as it involves federal dollars coming into State agencies.

Roll call on Senate Bill No. 406:

YEAS—21.

NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 12.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 12 revises the qualifications for a Deputy Director of the Department of Transportation. Specifically, the bill clarifies that the positions to which the minimum qualification of two years of administrative experience apply to any Assistant Director of the Department or the Chief Engineer. It changes the alternative experience qualification to a minimum of 15 years of progressively responsible experience in engineering or project management. The bill also moves the position of Chief Engineer from classified to unclassified State service.

Roll call on Assembly Bill No. 12:

YEAS—21.

NAYS—None.

Assembly Bill No. 12 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 26 clarifies that the annual report regarding the Fund for Energy Assistance and Conservation prepared by the Division of Welfare and Supportive Services of DHHS must specify the amount of money in the Fund allocated to and received by the Division on or before June 30 of all preceding fiscal years and remains unspent and unencumbered as of December 31 of the fiscal year in which the report is made. This bill also clarifies that the Division may be required to distribute to the Housing Division of the Department of Business and Industry a certain percentage of money in the Fund that is unspent and unencumbered on or before June 30 of all preceding fiscal years.

Roll call on Assembly Bill No. 26:

YEAS—21.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 41.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 41 revises various provisions governing the operation of certain oversized vehicles. Specifically, the bill clarifies how the dimensions of certain vehicles are to be determined. It authorizes an applicant for a permit to move certain vehicles or structures to request a waiver from the Department of Transportation from the current maximum vehicle-width limitation. It also removes a requirement that applications to the Department for movement permits for oversized vehicles be in writing.

Roll call on Assembly Bill No. 41:

YEAS—21.

NAYS—None.

Assembly Bill No. 41 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 53.

Bill read third time.

Remarks by Senator Harris.

Assembly Bill No. 53 makes discretionary the current requirement that the Department of Transportation establish a system of communication for members of the general public to report emergencies and receive information concerning driving conditions.

Roll call on Assembly Bill No. 53:

YEAS—21.

NAYS—None.

Assembly Bill No. 53 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 1:07 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 Bills Nos. 198, 260, 280, 291, 295, 307, 308, 314, 381, 402, 408, 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 was referred Senate Bill No. 287, 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 Growth and Infrastructure, to which was referred Senate Bill No. 170, 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 Judiciary, to which was referred Senate Bill No. 218, 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 Legislative Operations and Elections, to which was referred Senate Bill No. 176, 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*

Madam President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 278, 281, 310, 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. 4.

Bill read second time.

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

Amendment No. 364.

SUMMARY—Revises provisions relating to the imposition of certain penalties by ordinance for certain violations relating to fireworks. (BDR 20-402)

AN ACT relating to fireworks; revising provisions governing the authority of a board of county commissioners to enact certain ordinances related to fireworks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners is authorized to pass ordinances that: (1) regulate the sale, use, storage and possession of fireworks; and (2) provide penalties for a violation of such an ordinance. (NRS 244.367) This bill: (1) clarifies that the penalties that may be imposed for such a violation are criminal or civil penalties, or both; ~~[and]~~ (2) limits the maximum amount of a civil penalty that may be imposed pursuant to such an ordinance to ~~[$50,000]~~ $10,000 for a single violation ~~[.]~~ ; and (3) prohibits civil penalties from being imposed pursuant to such an ordinance on a person who has received a license or permit pursuant to the ordinance. Section 2 of this bill also requires the consideration of certain factors such as the number and severity of any previous offenses when determining the amount and category of civil and criminal penalties. Section 2 further provides that the prohibitions of such an ordinance do not apply to a child under the age of 18 years unless the child has been emancipated.

Section 1 of this bill makes a conforming change related to clarifying that a board may provide both criminal and civil penalties related to the regulation, sale, use, storage and possession of fireworks.

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

Section 1. NRS 244.33509 is hereby amended to read as follows:

244.33509 1. ~~[A]~~ *Except as otherwise provided in NRS 244.367, a* board of county commissioners may by ordinance provide for the imposition of a civil penalty in lieu of a criminal penalty for the violation of an ordinance

enacted by the board concerning the licensing or regulation of businesses unless state law provides a criminal penalty for the same act or omission.

2. If a board of county commissioners adopts an ordinance providing for the imposition of a civil penalty in lieu of a criminal penalty as described in subsection 1, the board shall:

(a) Determine violations and levy civil penalties for those violations; or

(b) Delegate to a hearing officer or hearing board the authority to determine violations and levy civil penalties for those violations.

3. The amount of a civil penalty levied pursuant to subsection 2 must not exceed $1,000 for each violation.

4. As used in this section, an ordinance "concerning the licensing or regulation of businesses" includes, without limitation, an ordinance that:

(a) Prescribes the criteria that must be satisfied before the business may be licensed in the county or its license may be renewed in the county;

(b) Sets forth the licensing fee that must be paid before the business may be licensed in the county or its license may be renewed in the county;

(c) Describes the practices, transactions or acts in which a business licensed in the county may engage;

(d) Describes the practices, transactions or acts in which a business licensed in the county is prohibited from engaging; or

(e) Prohibits the operation within the county of a business that is:

(1) Unlicensed; or

(2) Not licensed to engage in the particular activities in which it is engaging.

~~[Section 1.]~~ *Sec. 2.* NRS 244.367 is hereby amended to read as follows:

244.367 1. ~~[The]~~ *Except as otherwise provided in subsection 3, the* board of county commissioners shall have power and jurisdiction in their respective counties to pass ordinances ~~[prohibiting,]~~ *:*

(a) Prohibiting, restricting, suppressing or otherwise regulating the sale, use, storage and possession of fireworks *;* ~~[,]~~ and ~~[providing]~~

(b) Providing for the imposition of criminal or civil penalties *, or both,* for the violation thereof. *A civil penalty imposed pursuant to such an ordinance may not* ~~*[exceed $50,000]*~~ *:*

(1) Exceed $10,000 for a single violation ~~*[.]*~~ *; or*

(2) Be imposed against a person who has been issued a license or permit pursuant to the ordinance.

2. An ordinance passed pursuant to subsection 1 must ~~[provide]~~ *:*

(a) Provide that any license or permit that may be required for the sale of fireworks must be issued by the licensing authority for:

~~[(a)]~~ *(1)* The county, if the fireworks are sold within the unincorporated areas of the county; or

~~[(b)]~~ *(2)* A city located within the county, if the fireworks are sold within the jurisdiction of that city ~~[.]~~ *; and*

(b) Establish factors for determining the severity of any criminal or civil penalty that take into account, without limitation, the number and severity of any previous violations.

3. An ordinance passed pursuant to subsection 1 must not apply to a child under the age of 18 years unless the child is emancipated.

~~[Sec. 2.]~~ *Sec. 3.* This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 364 to Senate Bill No. 4 reduces the maximum penalty that may be assessed for a single violation of an ordinance that regulates the sale, use, storage and possession of fireworks from $50,000 to $10,000. It clarifies that civil penalties may not be imposed on a person who has been issued a license or permit pursuant to the ordinance. It requires the consideration of certain factors, including the number and severity of previous offenses, when determining the amount and category of civil and criminal penalties. It also provides that such an ordinance does not apply to a child under 18 years of age unless the child is emancipated.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 18.

Bill read second time.

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

Amendment No. 474.

SUMMARY—Revises provisions governing penalties for certain violations relating to public utilities. (BDR 58-277)

AN ACT relating to public utilities; increasing the maximum amount of administrative fines that the Public Utilities Commission of Nevada is authorized to assess for certain violations relating to public utilities; authorizing the Commission to assess an administrative fine on a person who provides inaccurate or misleading information to the Commission under certain circumstances; revising certain provisions related to determining the amount of certain administrative fines assessed by the Commission; increasing criminal penalties for certain violations relating to public utilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who violates a regulation adopted by the Public Utilities Commission of Nevada relating to the operation and maintenance of storage facilities and intrastate pipelines used to store and transport natural gas or liquefied petroleum gas is liable for an administrative fine not to exceed $1,000 per day for each day of the violation, up to a maximum of $200,000 for any related series of violations. (NRS 703.154) Section 1 of this bill increases this maximum administrative fine to ~~[$100,000]~~ $200,000 per day for each day of the violation, up to a maximum of ~~[$20,000,000]~~ $2,000,000 for any related series of violations.

Under existing law, a person is liable for an administrative fine to be assessed by the Commission if the person: (1) violates certain provisions

relating to public utilities; (2) violates any rule or regulation of the Commission; or (3) fails, neglects or refuses to obey an order of the Commission. (NRS 703.380) Section 2 of this bill increases the maximum administrative fine for such violations that are knowing and willful, or detrimental to public health or safety, from $1,000 per day to $200,000 per day for each day of the violation ~~[not to exceed]~~ and increases the maximum total from $100,000 to $5,000,000 for any related series of violations. ~~[to $100,000 per day for each day of the violation not to exceed $10,000,000.]~~ For any other violation, section 2 increases the maximum administrative fine to $100,000 per day, not to exceed $2,000,000 for any related series of violations. Section 2 authorizes the Commission to also assess an administrative fine in that increased maximum amount if a person provides to the Commission information which is materially inaccurate or misleading and which the person knew or through the exercise of reasonable care and diligence should have known was materially inaccurate or misleading.

Existing law requires the Commission to consider certain factors in determining the amount of an administrative fine. (NRS 703.380) Section 2 expands these factors to include: (1) the nature and circumstances of the violation, including the actual or potential financial impact and actual or potential impact on public health and safety; (2) whether the violation was willful; (3) the good faith of the person charged in detecting and voluntarily disclosing the violation to the Commission; (4) the good faith of the person charged in attempting to achieve compliance after notification of a violation and to prevent the reoccurrence of similar violations in the future; (5) the history of compliance or noncompliance; (6) the economic benefit of the violation, or lack thereof, to the person charged; (7) the amounts of administrative fines assessed previously by the Commission for similar violations; and (8) such other factors as necessary to determine the reasonableness of the administrative fine.

Section 2 additionally provides that certain limits on administrative fines do not restrict the Commission's authority to require a public utility to restore funding to a program or account as necessary to achieve compliance with an applicable statute or regulation or order of the Commission.

Section 3 of this bill increases the maximum amount of a criminal fine that may be imposed on a person who commits certain violations relating to public utilities from $500 to $50,000. (NRS 704.640)

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

Section 1. NRS 703.154 is hereby amended to read as follows:

703.154 1. The Commission may adopt such regulations as are necessary to ensure the safe operation and maintenance of all storage facilities and intrastate pipelines in this State which are used to store and transport natural gas, liquefied petroleum gas, in its liquid or vapor form, or any mixture thereof. Regulations adopted pursuant to this subsection do not apply to

activities that are subject to the provisions of NRS 590.465 to 590.645, inclusive, or chapter 704 of NRS.

2. If the Commission and any other governmental entity or agency of the State have coexisting jurisdiction over the regulation of such storage facilities and intrastate pipelines, the Commission has the final authority to regulate those facilities and pipelines and to take such actions as are necessary to carry out the regulations adopted pursuant to subsection 1.

3. A person who violates any of the provisions of a regulation adopted by the Commission pursuant to subsection 1 is liable for an administrative fine not to exceed ~~[$1,000 *$100,000]*~~ *$200,000* per day for each day of the violation and not to exceed ~~[$200,000 *$20,000,000]*~~ *$2,000,000* for any related series of violations. The amount of the administrative fine must be determined in the manner provided in NRS 703.380.

Sec. 2. NRS 703.380 is hereby amended to read as follows:

703.380 1. Unless another administrative fine is specifically provided, a person, including, without limitation, a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission, or any officer, agent or employee of a public utility, alternative seller, provider of discretionary natural gas service, provider of new electric resources or holder of any certificate of registration, license or permit issued by the Commission who:

(a) Violates any applicable provision of this chapter or chapter 704, 704B, 705 or 708 of NRS, including, without limitation, the failure to pay any applicable tax, fee or assessment;

(b) Violates any rule or regulation of the Commission; ~~[or]~~

(c) Fails, neglects or refuses to obey any order of the Commission or any order of a court requiring compliance with an order of the Commission ~~[,]~~ *; or*

(d) Provides to the Commission information which is materially inaccurate or misleading and which the person knew or through the exercise of reasonable care and diligence should have known was materially inaccurate or misleading,

➥ is liable for an administrative fine, to be assessed by the Commission after notice and the opportunity for a hearing . ~~[, in an amount]~~ *If the Commission determines that a violation was willful and knowing, or detrimental to public health or safety, the administrative fine must* not ~~[to]~~ exceed ~~[$1,000 *$100,000]*~~ *$200,000* per day for each day of the violation and not ~~[to]~~ exceed ~~[$100,000 *$10,000,000]*~~ *$5,000,000* for any related series of violations. *For any other violation, the administrative fine must not exceed $100,000 per day and not exceed $2,000,000 for any related series of violations.*

2. In determining the amount of the administrative fine, *and to ensure that the fine is proportional to the violation*, the Commission shall consider ~~[the]~~ *:*

(a) The appropriateness of the fine to the size of the business of the person charged ~~[, the]~~ *;*

(b) The nature, circumstances and gravity of the violation, *including, without limitation,* the *actual or potential financial impact and actual or potential impact on public health and safety of the violation;*

(c) Whether the violation was willful;

(d) The good faith of the person charged in *detecting and voluntarily disclosing the violation to the Commission;*

(e) The good faith of the person charged in attempting to achieve compliance after notification of ~~[a]~~ *the* violation and *to prevent the reoccurrence of similar violations in the future;*

(f) The history of compliance or noncompliance, including, without limitation, any repeated violations committed by the person charged ~~[.]~~ *;*

(g) The economic benefit of the violation, or lack thereof, to the person charged;

(h) The amounts of administrative fines assessed previously by the Commission for similar violations, if any; and

(i) Such other factors as are necessary to determine the reasonableness of the administrative fine.

3. *The limitations on the amount of an administrative fine in subsection 1 do not restrict the authority of the Commission to require a public utility to restore funding to a program or account as necessary to achieve compliance with an applicable statute or regulation or an order of the Commission.*

4. An administrative fine assessed pursuant to this section is not a cost of service of a public utility and may not be included in any new application by a public utility for a rate adjustment or rate increase.

~~[4.]~~ *5.* All money collected by the Commission as an administrative fine pursuant to this section must be deposited in the State General Fund.

~~[5.]~~ *6.* The Commission may bring an appropriate action in its own name for the collection of any administrative fine that is assessed pursuant to this section. A court shall award costs and reasonable attorney's fees to the prevailing party in an action brought pursuant to this subsection.

~~[6.]~~ *7.* The administrative fine prescribed by this section is in addition to any other remedies, other than a monetary fine, provided by law, including, without limitation, the authority of the Commission to revoke a certificate of public convenience and necessity, license or permit pursuant to NRS 703.377.

Sec. 3. NRS 704.640 is hereby amended to read as follows:

704.640 Except as otherwise provided in NRS 704.6881 to 704.6884, inclusive, any person who:

1. Operates any public utility to which NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive, apply without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive, or by the Commission pursuant to NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive;

4. Fails to obey any order, decision or regulation of the Commission;

5. Procures, aids or abets any person in the failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself, herself or itself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.754, inclusive, 704.9901 and 704.993 to 704.999, inclusive,

➥ shall be fined not more than ~~[$500.]~~ *$50,000.*

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 474 makes three major changes to Senate Bill No. 18. It increases the maximum fines for certain violations of statutes relating to public utilities and orders and regulations of the Public Utilities Commission. It requires materiality and a lack of reasonable care in order for the submittal of inaccurate or misleading information to be deemed a violation. It specifies the criteria to be considered when determining the amount of a fine to ensure that the fine is reasonable and proportional to the violation. For storage/pipeline facilities and for natural/liquefied petroleum gas, the fines range from $1,000 per day and $200,000 for a series to $200,000 per day and $2 million for a series. For willful violations detrimental to public health or safety, the fine ranges from $1,000 per day and $100,000 for a series to $200,000 per day and $5 million for a series. For all other violations, the fine ranges from $1,000 per day and $100,000 for a series to $100,000 per day and $2 million for a series.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 450.

SUMMARY—Revises requirements relating to background investigations conducted by certain institutions, agencies and facilities that serve children. (BDR 5-303)

AN ACT relating to the protection of children; revising requirements relating to background investigations for certain applicants for employment with, and employees of, certain institutions, agencies and facilities that serve children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public or private institutions and agencies to which a juvenile court commits a child to conduct background investigations of employees of such institutions and agencies. (NRS 62B.270) Existing law also requires agencies which provide child welfare services to conduct background investigations of applicants for employment with, and employees of, such agencies. (NRS 432B.198) Existing law additionally requires certain facilities which provide residential mental health treatment to children to conduct

background investigations of employees of such facilities. (NRS 433B.183) Such background investigations are conducted for the purpose of determining whether an applicant or employee has been convicted of certain specified crimes and, with respect to agencies which provide child welfare services, whether an applicant or employee has charges pending against him or her for any such crime. (NRS 62B.270, 432B.198, 433B.183) If the results of a background investigation correctly provide that an applicant or employee has been convicted of any such crime, the application for employment or the employment of the person must be denied or terminated, respectively. (NRS 62B.275, 432B.199, 433B.185) Additionally, if the results of a background investigation conducted by an agency which provides child welfare services correctly provide that an applicant or employee has charges pending against him or her for any such crime, the application for employment or the employment of the person may be denied or terminated, respectively. (NRS 432B.199)

~~[Sections]~~ To ensure uniformity in background investigations conducted by each such institution, agency or facility: (1) sections 1 and 5 of this bill, respectively, additionally require public or private institutions and agencies to which a juvenile court commits a child and certain facilities which provide residential mental health treatment to children to conduct background investigations of applicants for employment; and (2) sections 1, 3 and 5 of this bill revise the specified crimes authorizing or requiring, as applicable, the denial of an application for employment or the termination of employment with such an institution, agency or facility. ~~[to ensure uniformity in background investigations conducted by each such institution, agency or facility.]~~ For the purposes of conforming with background investigations conducted by agencies which provide child welfare services, sections 1 and 5 also provide that, in addition to determining whether an applicant or employee has been convicted of certain specified crimes, the purpose of a background investigation conducted by public or private institutions and agencies to which a juvenile court commits a child and certain facilities which provide residential mental health treatment to children is to determine whether an applicant or employee has criminal charges pending against him or her for a specified crime. Accordingly, sections 2 and 6 of this bill provide that if such an applicant or employee has criminal charges pending against him or her for a specified crime, his or her application for employment may be denied or his or her employment may be terminated ~~[.]~~ , as applicable. Sections 1-6 of this bill specify when the period during which criminal charges are pending against an applicant or employee begins and ends.

Sections 2, 4 and 6 of this bill, respectively, authorize public or private institutions and agencies to which a juvenile court commits a child, agencies which provide child welfare services and certain facilities which provide residential mental health treatment to children to waive the prohibition on hiring an applicant who has been convicted of a specified crime if the institution, agency or facility adopts and applies an objective weighing test

pursuant to which certain factors are considered relating to the applicant and the crime committed. Sections 2, 4 and 6 require such an institution, agency or facility to track certain data regarding each applicant to whom the objective weighing test is applied and review the data at least once every 2 years to determine the efficacy of the test and whether the data indicates the presence of implicit bias. Sections 2, 4 and 6 also provide that the hiring determination made by such an institution, agency or facility after applying the objective weighing test to an applicant is final.

Existing law ~~[also]~~ requires: (1) an employee of a public or private institution or agency to which a juvenile court commits a child or a facility which provides residential mental health treatment to children to submit two complete sets of his or her fingerprints as part of a background investigation; and (2) an applicant for employment with, or an employee of, an agency which provides child welfare services to submit one complete set of his or her fingerprints as part of a background investigation. (NRS 62B.270, 432B.198, 433B.183) Sections 1 and 5 require an employee of a public or private institution or agency to which a juvenile court commits a child or a facility which provides residential mental health treatment to children to submit one complete set of his or her fingerprints as part of a background investigation instead of two sets of fingerprints.

Existing law authorizes a public institution or agency to which a juvenile court commits a child, the licensing authority of a private institution to which a juvenile court commits a child and the Division of Child and Family Services of the Department of Health and Human Services to charge an employee who is the subject of a background investigation the reasonable cost of the investigation. (NRS 62B.270, 433B.183) ~~[Section]~~ Sections 1 and 5 expand such authorization to include the ability to charge an applicant for employment who is the subject of a background investigation the reasonable cost of the investigation, and section 3 similarly authorizes an agency which provides child welfare services to charge an applicant or employee who is the subject of a background investigation the reasonable cost of the investigation.

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

Section 1. NRS 62B.270 is hereby amended to read as follows:

62B.270 1. A public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each *applicant for employment with the institution or agency, and each* employee of the institution or agency , to determine ~~[whether]~~ *:*

(a) Whether the *applicant or* employee has been convicted of:

~~[(a)]~~ *(1)* Murder, voluntary manslaughter , *involuntary manslaughter* or mayhem;

~~[(b)]~~ *(2)* Any other felony involving *the use or threatened use of force or violence or* the use of a firearm or other deadly weapon;

~~[(c)]~~ *(3)* Assault with intent to kill or to commit sexual assault or mayhem;

~~[(d)]~~ *(4) Battery which results in substantial bodily harm to the victim;*

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure *, an offense involving pornography and a minor* or any other sexually related crime;

~~[(e)]~~ *(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive ~~[.]~~ , other than a violation of NRS 201.354 by engaging in prostitution;*

(9) Abuse or neglect of a child ~~[or contributory delinquency;~~

~~(f)]~~ *, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;*

(10) 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 ~~[,~~

~~(g)]~~ *within the immediately preceding 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

~~[(h)]~~ *(14)* Any offense involving *arson,* fraud, theft, embezzlement, burglary, robbery, fraudulent conversion , ~~[or]~~ misappropriation of property *or perjury* within the immediately preceding 7 years ~~[.]~~ *; or*

(b) Whether there are criminal charges pending against the applicant or employee for a crime listed in paragraph (a).

2. An *applicant for employment with or an* employee of the public or private institution or agency must submit to the public institution or agency or the licensing authority, as applicable, ~~[two]~~ *a* complete ~~[sets]~~ *set* of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable, may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an *applicant or* employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public institution or agency or the licensing authority, as applicable, for a determination of whether the *applicant or* employee *has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or* has been convicted of a crime listed in *paragraph (a) of* subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

8. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 begins when the applicant or employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the applicant or employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the applicant or employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the applicant or employee for only one or more crimes not listed in paragraph (a) of subsection 1.

Sec. 2. NRS 62B.275 is hereby amended to read as follows:

62B.275 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 62B.270 or evidence from any other source that an *applicant for employment with or an* employee of a public institution or agency to which a juvenile court commits a child or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children ~~[, has]~~ *:*

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270:

(1) The public institution or agency may 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

(2) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution may 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

(b) ~~[Has]~~ *Except as otherwise provided in subsection 4, has* been convicted of a crime listed in *paragraph (a) of subsection 1 of* NRS 62B.270:

~~[(a)]~~ *(1)* The public institution or agency 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

~~[(b)]~~ *(2)* The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution 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.

2. If *an applicant for employment or* an employee believes that the information provided to the public institution or agency or the licensing authority by the Central Repository pursuant to NRS 62B.270 is incorrect, the *applicant or* employee must inform ~~[his or her employing]~~ *the* institution or agency immediately. An institution or agency 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. During the period in which an *applicant or* employee seeks to correct information pursuant to subsection 2, it is within the discretion of the ~~[employing]~~ institution or agency whether to allow the *applicant or* employee to *begin working or* continue to work for the institution or agency, as applicable, except that the *applicant or* employee shall not have contact with a child in the institution or agency without supervision during such period.

4. A public or private institution or agency to which a juvenile court commits a child may waive the prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 if the institution or agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the institution or agency will consider when making a determination as to whether to waive such a prohibition, including, without limitation:

(a) The age, maturity and capacity of the applicant at the time of his or her conviction;

(b) The length of time since the applicant committed the crime;

(c) Any participation by the applicant in rehabilitative services; and

(d) The relevance of the crime to the position for which the applicant has applied.

5. A public or private institution or agency to which a juvenile court commits a child shall, with regard to each applicant to whom the institution or agency applies the objective weighing test pursuant to subsection 4:

(a) Track the age, race and ethnicity of the applicant, the position for which the applicant applied and the hiring determination made by the institution or agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

6. The hiring determination made by a public or private institution or agency to which a juvenile court commits a child with regard to an applicant to whom the institution or agency applies the objective weighing test is final.

7. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 of NRS 62B.270 begins and ends as set forth in subsection 8 of that section.

Sec. 3. NRS 432B.198 is hereby amended to read as follows:

432B.198 1. An agency which provides child welfare services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the agency, and each employee of the agency, to determine:

(a) Whether the applicant or employee has been convicted of:

(1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

(2) Any *other* felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;

(3) Assault with intent to kill or to commit sexual assault or mayhem;

(4) Battery which results in substantial bodily harm to the victim;

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure *,* ~~[or]~~ an offense involving pornography and a minor ~~[,]~~ *or any other sexually related crime;*

(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive ~~[,]~~ *, other than a violation of NRS 201.354 by engaging in prostitution;*

(9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 *;* ~~[or contributory delinquency;]~~

(10) 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 ~~[,]~~ *within the immediately preceding 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a ~~[violation of an offense]~~ *crime* listed in paragraph (a).

2. An agency which provides child welfare services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the agency, or an employee of the agency, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with an agency which provides child welfare services, and each employee of an agency which provides child welfare services, must submit to the agency:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the agency to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. An agency which provides child welfare services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. *An agency which provides child welfare services may charge an applicant for employment or an employee investigated pursuant to this section for the reasonable cost of that investigation.*

6. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the agency which provides child welfare services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

~~[6.]~~ *7.* An agency which provides child welfare services shall conduct an investigation of each employee of the agency pursuant to this section at least once every 5 years after the initial investigation.

~~[7.]~~ *8. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 begins when the applicant or employee is arrested for such a crime and ends when:*

(a) A determination is made as to the guilt or innocence of the applicant or employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the applicant or employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the applicant or employee for only one or more crimes not listed in paragraph (a) of subsection 1.

9. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

Sec. 4. NRS 432B.199 is hereby amended to read as follows:

432B.199 1. If the report from the Federal Bureau of Investigation forwarded to an agency which provides child welfare services pursuant to subsection ~~[5]~~ *6* of NRS 432B.198, the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 or evidence from any other source indicates that an applicant for employment with the agency, or an employee of the agency:

(a) Has *criminal* charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, the agency may 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; or

(b) ~~[Has]~~ *Except as otherwise provided in subsection 6, has* been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198, 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 432B.198, the agency 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 agency which provides child welfare services pursuant to subsection ~~[5]~~ *6* of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency that provides child welfare 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 applicant for employment or an employee believes that the information received by an agency which provides child welfare services pursuant to subsection 2 of NRS 432B.198 is incorrect, the applicant or employee must inform the agency immediately. An agency which provides child welfare services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 60 days to correct the information.

4. During the period in which an applicant or employee seeks to correct information pursuant to subsection 2 or 3, 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 agency which provides child welfare services.

(b) May be placed on leave without pay.

5. The provisions of subsection 4 must not be construed as preventing an agency which provides child welfare services from initiating internal disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3.

6. An agency which provides child welfare services may waive the prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 if the agency adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the agency will consider when making a determination as to whether to waive such a prohibition, including, without limitation:

(a) The age, maturity and capacity of the applicant at the time of his or her conviction;

(b) The length of time since the applicant committed the crime;

(c) Any participation by the applicant in rehabilitative services; and

(d) The relevance of the crime to the position for which the applicant has applied.

7. An agency which provides child welfare services shall, with regard to each applicant to whom the agency applies the objective weighing test pursuant to subsection 6:

(a) Track the age, race and ethnicity of the applicant, the position for which the applicant applied and the hiring determination made by the agency; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

8. The hiring determination made by an agency which provides child welfare services with regard to an applicant to whom the agency applies the objective weighing test is final.

9. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 of NRS 432B.198 begins and ends as set forth in subsection 8 of that section.

Sec. 5. NRS 433B.183 is hereby amended to read as follows:

433B.183 1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of ~~[an]~~ *each applicant for employment with the facility, and each* employee of the facility , to determine ~~[whether]~~ *:*

(a) Whether the *applicant or* employee has been convicted of:

~~[(a)]~~ *(1)* Murder, voluntary manslaughter , *involuntary manslaughter* or mayhem;

~~[(b)]~~ *(2)* Any other felony involving *the use or threatened use of force or violence or* the use of a firearm or other deadly weapon;

~~[(c)]~~ *(3)* Assault with intent to kill or to commit sexual assault or mayhem;

~~[(d)]~~ *(4) Battery which results in substantial bodily harm to the victim;*

(5) Battery that constitutes domestic violence that is punishable as a felony;

(6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;

(7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure , *an offense involving pornography and a minor* or any other sexually related crime;

~~[(e)]~~ *(8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive ~~[.]~~ , other than a violation of NRS 201.354 by engaging in prostitution;*

(9) Abuse or neglect of a child ~~[or contributory delinquency;~~

~~(f)]~~ *, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083;*

(10) 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 ~~[;~~

~~(g)]~~ *within the immediately preceding 3 years;*

(11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

~~[(h)]~~ *(14)* Any offense involving *arson,* fraud, theft, embezzlement, burglary, robbery, fraudulent conversion , ~~[or]~~ misappropriation of property *or perjury* within the immediately preceding 7 years ~~[.]~~ *; or*

(b) Whether there are criminal charges pending against the applicant or employee for a crime listed in paragraph (a).

2. An *applicant or* employee must submit to the Division ~~[two]~~ *a* complete ~~[sets]~~ *set* of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The Division may charge an *applicant or* employee investigated pursuant to this section for the reasonable cost of that investigation.

5. *When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the Division for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.*

6. An *applicant or* employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the *applicant or* employee has been conducted.

~~[6.]~~ *7.* The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

8. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 begins when the applicant or employee is arrested for such a crime and ends when:

(a) A determination is made as to the guilt or innocence of the applicant or employee with regard to such a crime at a trial or by a plea; or

(b) The prosecuting attorney makes a determination to:

(1) Decline charging the applicant or employee with a crime listed in paragraph (a) of subsection 1; or

(2) Proceed with charges against the applicant or employee for only one or more crimes not listed in paragraph (a) of subsection 1.

Sec. 6. NRS 433B.185 is hereby amended to read as follows:

433B.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 433B.183 or evidence from any other source that an *applicant for employment with or an* employee of a division facility that provides residential treatment for children ~~[has]~~ *:*

(a) Has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183, the administrative officer may 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

(b) ~~*[Has]*~~ *Except as otherwise provided in subsection 4, has* been convicted of a crime listed in *paragraph (a) of subsection 1 of* NRS 433B.183, the administrative officer 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.

2. If *an applicant for employment or* an employee believes that the information provided to the division facility pursuant to subsection 1 is incorrect, the *applicant or* employee must inform the division facility immediately. A division facility that is so informed shall give the *applicant or* employee 30 days to correct the information.

3. During the period in which an *applicant or* employee seeks to correct information pursuant to subsection 2, it is within the discretion of the administrative officer whether to allow the *applicant or* employee to *begin working or* continue to work for the division facility, *as applicable,* except that the *applicant or* employee shall not have contact with a child in the division facility without supervision during such period.

4. A division facility that provides residential treatment for children may waive the prohibition on hiring an applicant who has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 if the division facility adopts and applies an objective weighing test in accordance with this subsection. The objective weighing test must include factors the division facility will consider when making a determination as to whether to waive such a prohibition, including, without limitation:

(a) The age, maturity and capacity of the applicant at the time of his or her conviction;

(b) The length of time since the applicant committed the crime;

(c) Any participation by the applicant in rehabilitative services; and

(d) The relevance of the crime to the position for which the applicant has applied.

5. A division facility that provides residential treatment for children shall, with regard to each applicant to whom the division facility applies the objective weighing test pursuant to subsection 4:

(a) Track the age, race and ethnicity of the applicant, the position for which the applicant applied and the hiring determination made by the division facility; and

(b) Review such data not less than once every 2 years to determine the efficacy of the objective weighing test and whether the data indicates the presence of any implicit bias.

6. The hiring determination made by a division facility that provides residential treatment for children with regard to an applicant to whom the division facility applies the objective weighing test is final.

7. For the purposes of this section, the period during which criminal charges are pending against an applicant or employee for a crime listed in paragraph (a) of subsection 1 of NRS 433B.183 begins and ends as set forth in subsection 8 of that section.

Sec. 7. This act becomes effective on ~~[July]~~ January 1, ~~[2021.]~~ 2022.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 450 to Senate Bill No. 21 removes prostitution as an exclusionary crime for applicants and employees. For applicants, it requires public or private institutions and agencies that provide juvenile-justice services or child-welfare or mental-health treatment to adopt a weighing test whereby they will consider certain factors in determining whether to waive an exclusionary criminal conviction. An agency may not waive the exclusionary conviction without applying the test, and an agency decision is not appealable. A review of relevant data must be conducted every two years to determine efficacy and identify implicit bias. For employees, it defines "criminal charges pending" as "from the time an arrest has been made until a determination of guilt or innocence at trial or by plea. The term does not include if the prosecuting agency determines to decline charges or to proceed on charges that are not exclusionary pursuant to this act." It revises the effective date to January 1, 2022, to allow for research and the adoption of an objective weighing test by DHHS.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 6.

SUMMARY—Revises provisions relating to plans for responses to crises, emergencies and suicides by schools. (BDR 34-296)

AN ACT relating to education; ~~[requiring]~~ changing the name of a development committee for a school district or charter school that develops a plan for responding to a crisis, emergency or suicide to a crisis committee; requiring a crisis committee to include at least one representative of the county or district board of health; requiring certain plans developed for use by schools in responding to crisis, emergency or suicide to be used in response to all hazards; requiring the Department of Education to include information regarding an epidemic in its model plan for the management of crises, emergencies and suicides; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing body of each charter school and private school to establish a development committee to develop a plan to be used by the schools in the district or the charter school or private school in responding to a crisis, emergency or suicide. (NRS ~~[388.241)]~~ 388.241, 394.1685) Sections 1-6, 8,

9 and 11-19 of this bill change the name of such a committee to a "crisis committee." Section ~~[1]~~ 2 of this bill requires at least one member of such a ~~[development]~~ crisis committee be a representative of the county or district board of health ~~[.]~~ and requires the plan to be used for responding to all hazards. Section 2 prohibits the member of a crisis committee who is a parent or legal guardian of a pupil at the school from being an employee of the school district or charter school. Section 12 of this bill similarly requires a plan developed for a private school to be used for responding to all hazards.

Existing law requires: (1) a development committee to, at least once each year, review and update as appropriate the plan; and (2) the board of trustees of a school district or the governing body of a charter school to post a notice of the completed review or update at each school in its school district or at its charter school. (NRS 388.245) Section 4 of this bill requires the notice to instead be posted on the Internet website maintained by the school district or charter school and each school. Section 14 of this bill provides the same requirement for private schools. Existing law requires a school committee to, at least once each year, review the plan developed by a development committee and consult with certain local emergency management and social services agencies. (NRS 388.249) Section 5 of this bill removes the requirement to consult with such organizations and requires a crisis committee to post a notice of completion of such a review on the Internet website maintained by the school. Section 15 of this bill makes a similar change for private schools.

Existing law requires the Department of Education to develop a model plan for the management of a suicide or a crisis or emergency that involves a public or private school and requires immediate action. (NRS 388.253, 394.1687) Section ~~[2]~~ 7 of this bill requires the Department to include specific information relating to an epidemic in the model plan.

Existing law provides that the Open Meeting Law does not apply to certain meetings. (NRS 388.261) Section 9 of this bill provides that the Open Meeting Law does not apply to meetings of the board of trustees of a school district or the governing body of a charter school concerning emergency response plans. Existing law requires the principal of each charter school to designate an employee to serve as the school safety specialist for the charter school. (NRS 388.910) Section 10 of this bill requires instead that the governing body of the charter school designate a school safety specialist. Existing law requires the school safety specialist to provide employees of certain public safety agencies with a tour of each school in the school district or the charter school at least once every 3 years. (NRS 388.910) Section 10 instead requires the school safety specialist to provide such employees with an opportunity to become familiar with each blueprint of such a school at least once every 3 years.

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

Section 1. NRS 388.232 is hereby amended to read as follows:

388.232 ~~["Development]~~ *"Crisis* committee" means a committee established pursuant to NRS 388.241.

~~[Section 1.]~~ *Sec. 2.* NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish a ~~[development]~~ *crisis* committee to develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide ~~[.]~~ *and all other hazards.* The governing body of each charter school shall establish a ~~[development]~~ *crisis* committee to develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide ~~[.]~~ *and all other hazards.*

2. The membership of a ~~[development]~~ *crisis* committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school ~~[;]~~ *and who is not an employee of the school district or charter school;*

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers;

(h) At least one representative of a state or local organization for emergency management; ~~[and]~~

(i) *At least one representative of the county or district board of health in the county in which the school district or charter school is located* ~~[;]~~ *, designated by the county or district board of health; and*

(j) At least one mental health professional, including, without limitation:

(1) A counselor of a school in the school district or of the charter school;

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of a ~~[development]~~ *crisis* committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

(b) An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the ~~[development]~~ *crisis* committee that it establishes. Each ~~[development]~~ *crisis* committee may adopt rules for its own management and government.

Sec. 3. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each ~~[development]~~ *crisis* committee established by the board of trustees of a school district shall develop one plan, which constitutes the minimum requirements of a plan, to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide ~~[.]~~ *and all other hazards.* Each ~~[development]~~ *crisis* committee established by the governing body of a charter school shall develop a plan, which constitutes the minimum requirements of a plan, to be used by the charter school in responding to a crisis, emergency or suicide ~~[.]~~ *and all other hazards.* Each ~~[development]~~ *crisis* committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(f) Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded,

including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide;

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide;

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; and

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide.

3. Each ~~[development]~~ *crisis* committee shall provide *for review* a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for ~~[approval]~~ *review* to the Division of Emergency Management of the Department of Public Safety the plan developed pursuant to this section.

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

Sec. 4. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each ~~[development]~~ *crisis* committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the ~~[development]~~ *crisis* committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each ~~[development]~~ *crisis* committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter

school that established the committee shall submit for ~~[approval]~~ *review* to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its ~~[development]~~ *crisis* committee performs pursuant to subsection 1 ~~[at]~~ *on the Internet website maintained by the school district or governing body and by* each school in ~~[its]~~ *the* school district or ~~[at its]~~ *by the* charter school ~~[;]~~ *, as applicable;*

(b) File with the Department a copy of the notice ~~[provided]~~ *posted* pursuant to paragraph (a);

(c) Post a ~~[copy of]~~ *link to* NRS 388.229 to 388.266, inclusive, ~~[at]~~ *on the Internet website maintained by* each school in its school district or ~~[at its]~~ *by the* charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; and

(2) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

5. The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive.

Sec. 5. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan ~~[:~~

~~(a) Consult with the local social service agencies and law enforcement agencies in the county, city or town in which its school is located.~~

~~(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.~~

~~(c) Consider]~~ , *consider* the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or other similar emergency.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the ~~[development]~~ *crisis* committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the ~~[development]~~ *crisis* committee pursuant to NRS 388.251.

4. Each public school shall post ~~[at the school]~~ *on the Internet website maintained by the school* a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 6. NRS 388.251 is hereby amended to read as follows:

388.251 1. A ~~[development]~~ *crisis* committee that receives a proposed deviation from a school committee pursuant to NRS 388.249 shall, within 60 days after it receives the proposed deviation:

(a) Review the proposed deviation and any information submitted with the proposed deviation; and

(b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. A ~~[development]~~ *crisis* committee shall provide a copy of each deviation that it approves pursuant to this section to the board of trustees of the school district that established the committee or to the governing body of the charter school that established the committee.

~~[Sec. 2.]~~ *Sec. 7.* 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 ~~[.]~~ *; and*

(c) All other hazards.

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 ~~[.]~~ *, including, without limitation, an epidemic;*

(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 pursuant to NRS 433A.150.

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. 8. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed or approved pursuant to NRS 388.243 or updated or approved pursuant to NRS 388.245, a deviation and any information submitted to a ~~[development]~~ *crisis* committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115, 388.229 to 388.266, inclusive, and 393.045 must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 9. NRS 388.261 is hereby amended to read as follows:

388.261 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A ~~[development]~~ *crisis* committee;

2. A school committee;

3. *The board of trustees of a school district or governing body of a charter school if the meeting concerns the review of a plan submitted pursuant to subsection 3 of NRS 388.243 or a summary presented or provided pursuant to paragraph (e) or (i) of subsection 2 of NRS 388.910;*

4. The State Board if the meeting concerns a regulation adopted pursuant to NRS 388.255;

~~[4.]~~ *5.* The Department of Education if the meeting concerns the model plan developed pursuant to NRS 388.253; or

~~[5.]~~ *6.* The Division of Emergency Management of the Department of Public Safety if the meeting concerns the ~~[approval]~~ *review* of a plan developed pursuant to NRS 388.243 or the ~~[approval]~~ *review* of a plan updated pursuant to NRS 388.245.

Sec. 10. NRS 388.910 is hereby amended to read as follows:

388.910 1. The superintendent of schools of each school district shall designate an employee at the district level to serve as the school safety specialist for the district. The ~~[principal]~~ *governing body* of each charter school shall designate an employee to serve as the school safety specialist for the charter school. Not later than 1 year after being designated pursuant to this subsection, a school safety specialist shall complete the training provided by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323.

2. A school safety specialist shall:

(a) Review policies and procedures of the school district or charter school, as applicable, that relate to school safety to determine whether those policies and procedures comply with state laws and regulations;

(b) Ensure that each school employee who interacts directly with pupils as part of his or her job duties receives information concerning mental health services available in the school district or charter school, as applicable, and persons to contact if a pupil needs such services;

(c) Ensure the provision to school employees and pupils of appropriate training concerning:

(1) Mental health;

(2) Emergency procedures, including, without limitation, the plan developed pursuant to NRS 388.243; and

(3) Other matters relating to school safety and security;

(d) Annually conduct a school security risk assessment and submit the school security risk assessment to the Office for a Safe and Respectful Learning Environment for review pursuant to NRS 388.1323;

(e) Present a summary of the school security risk assessment conducted pursuant to paragraph (d) and any recommendations to improve school safety and security based on the assessment at a ~~[public]~~ meeting of the board of trustees of the school district or governing body of the charter school, as applicable;

(f) Not later than 30 days after the meeting described in paragraph (e), provide to the Director a summary of the school security risk assessment, any recommendations to improve school safety and security based on the assessment and any actions taken by the board of trustees or governing body, as applicable, based on those recommendations;

(g) Serve as the liaison for the school district or charter school, as applicable, with local public safety agencies, other governmental agencies, nonprofit organizations and the public regarding matters relating to school safety and security;

(h) At least once every 3 years, provide ~~[a tour of each school in the district or the charter school, as applicable, to]~~ employees of public safety agencies that are likely to be first responders to a crisis, emergency or suicide *or other hazard* at ~~[the]~~ *a public* school ~~[;]~~ *an opportunity to participate in an activity to familiarize themselves with the blueprints of the school in a manner that complies with NRS 393.045;* and

(i) Provide ~~[a written record]~~ to the board of trustees of the school district or the governing body of the charter school, as applicable, ~~[of]~~ any recommendations made by an employee of a public safety agency as a result of ~~[a tour]~~ *an activity* provided pursuant to paragraph (h). The board of trustees or governing body, as applicable, shall maintain a *confidential* record of such recommendations.

3. In a school district in a county whose population is 100,000 or more, the school safety specialist shall collaborate with the emergency manager

designated pursuant to NRS 388.262 where appropriate in the performance of the duties prescribed in subsection 2.

4. As used in this section:

(a) "Crisis" has the meaning ascribed to it in NRS 388.231.

(b) "Emergency" has the meaning ascribed to it in NRS 388.233.

Sec. 11. NRS 394.1682 is hereby amended to read as follows:

394.1682 ~~["Development]~~ *"Crisis* committee" means a committee established pursuant to NRS 394.1685.

Sec. 12. NRS 394.1685 is hereby amended to read as follows:

394.1685 1. The governing body of each private school shall establish a ~~[development]~~ *crisis* committee to develop a plan to be used by the private school in responding to a crisis, emergency or suicide ~~[.]~~ *and all other hazards.*

2. The membership of a ~~[development]~~ *crisis* committee consists of:

(a) At least one member of the governing body;

(b) At least one administrator of the school;

(c) At least one teacher of the school;

(d) At least one employee of the school who is not a teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in the school ~~[.]~~ *and who is not an employee of the school;*

(f) At least one representative of a local law enforcement agency in the county in which the school is located; and

(g) At least one representative of a state or local organization for emergency management.

3. The membership of a ~~[development]~~ *crisis* committee may also include any other person whom the governing body deems appropriate, including, without limitation:

(a) A counselor of the school;

(b) A psychologist of the school;

(c) A licensed social worker of the school;

(d) A pupil in grade 10 or higher of the school if the school includes grade 10 or higher; and

(e) An attorney or judge who resides or works in the county in which the school is located.

4. The governing body of each private school shall determine the term of each member of the ~~[development]~~ *crisis* committee that it established. Each ~~[development]~~ *crisis* committee may adopt rules for its own management and government.

Sec. 13. NRS 394.1687 is hereby amended to read as follows:

394.1687 1. Each ~~[development]~~ *crisis* committee shall develop a plan to be used by its school in responding to a crisis, emergency or suicide ~~[.]~~ *and all other hazards.* Each ~~[development]~~ *crisis* committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school is located.

(b) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for immediately responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of the school; and

(c) A procedure for enforcing discipline within the school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency.

3. Each ~~[development]~~ *crisis* committee shall provide *for review* a copy of the plan that it develops pursuant to this section to the governing body of the school that established the committee.

4. Except as otherwise provided in NRS 394.1691 and 394.1692, each private school must comply with the plan developed for it pursuant to this section.

Sec. 14. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each ~~[development]~~ *crisis* committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the ~~[development]~~ *crisis* committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. On or before July 1 of each year, each ~~[development]~~ *crisis* committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its ~~[development]~~ *crisis* committee performs pursuant to subsection 1 ~~[at]~~ *on the Internet website maintained by* the school;

(b) File with the Department a copy of the notice ~~[provided]~~ *posted* pursuant to paragraph (a);

(c) Post a ~~[copy of]~~ *link to* NRS 388.253 and 394.168 to 394.1699, inclusive, ~~[at]~~ *on the Internet website maintained by* the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) On or before July 1 of each year, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

4. As used in this section, "public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 15. NRS 394.1691 is hereby amended to read as follows:

394.1691 1. Each school committee shall, at least once each year, review the plan developed for its school pursuant to NRS 394.1687 and determine whether the school should deviate from the plan.

2. Each school committee shall ~~[, when reviewing the plan, consult with:~~

~~(a) The local social service agencies and law enforcement agencies in the county, city or town in which its school is located.~~

~~(b) The director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.]~~ *consider the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or similar emergency.*

3. If a school committee determines that its school should deviate from the plan, the school committee shall notify the ~~[development]~~ *crisis* committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the ~~[development]~~ *crisis* committee pursuant to NRS 394.1692.

4. Each private school shall post ~~[at]~~ *on the Internet website maintained by* the school a notice of the completion of each review that its school committee performs pursuant to this section.

Sec. 16. NRS 394.1692 is hereby amended to read as follows:

394.1692 1. A ~~[development]~~ *crisis* committee that receives a proposed deviation from a school committee pursuant to NRS 394.1691 shall, within 60 days after it receives the proposed deviation:

(a) Review the proposed deviation and any information submitted with the proposed deviation; and

(b) Notify the school committee that submitted the proposed deviation whether the proposed deviation has been approved.

2. A ~~[development]~~ *crisis* committee shall provide a copy of each deviation that it approves pursuant to this section to the governing body of the private school that established the committee.

Sec. 17. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a ~~[development]~~ *crisis* committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 18. NRS 394.1699 is hereby amended to read as follows:

394.1699 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A ~~[development]~~ *crisis* committee;

2. A school committee; or

3. The Board if the meeting concerns a regulation adopted pursuant to NRS 394.1694.

Sec. 19. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this State. The Chief shall

coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall:

(a) Except as otherwise provided in NRS 232.3532, develop written plans for the mitigation of, preparation for, response to and recovery from emergencies and disasters. The plans developed by the Chief pursuant to this paragraph must include the information prescribed in NRS 414.041 to 414.044, inclusive.

(b) Conduct activities designed to:

(1) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(2) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(3) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(4) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(5) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to NRS 414A.100;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to NRS 414.075 or chapter 414A of NRS;

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as

agents of the State during a response to a request for mutual aid pursuant to NRS 414.075 or 414A.130; and

(d) Provide notice:

(1) On or before February 15 of each year to the governing body of each political subdivision of whether the political subdivision has complied with the requirements of NRS 239C.250;

(2) On or before February 15 of each year to the Chair of the Public Utilities Commission of Nevada of whether each utility that is not a governmental utility and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(3) On or before February 15 of each year to the Governor of whether each governmental utility described in subsection 1 of NRS 239C.050 and each provider of new electric resources has complied with the requirements of NRS 239C.270;

(4) On or before February 15 of each year to the governing body of each governmental utility described in subsection 2 of NRS 239C.050 and each provider of new electric resources of whether each such governmental utility has complied with the requirements of NRS 239C.270;

(5) On or before August 15 of each year to the Superintendent of Public Instruction of whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with the requirements of NRS 388.243 or 394.1687, as applicable; and

(6) On or before November 15 of each year to the Chair of the Nevada Gaming Control Board of whether each resort hotel has complied with the requirements of NRS 463.790.

6. The Division shall:

(a) Perform the duties required pursuant to chapter 415A of NRS;

(b) Perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government;

(c) Adopt regulations setting forth the manner in which federal funds received by the Division to finance projects related to emergency management and homeland security are allocated, except with respect to any funds committed by specific statute to the regulatory authority of another person or agency, including, without limitation, funds accepted by the State Emergency Response Commission pursuant to NRS 459.740; and

(d) Submit a written report to the Nevada Commission on Homeland Security within 60 days of making a grant of money to a state agency, political subdivision or tribal government to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism that includes, without limitation:

(1) The total amount of money that the state agency, political subdivision or tribal government has been approved to receive for the project or program;

(2) A description of the project or program; and

(3) An explanation of how the money may be used by the state agency, political subdivision or tribal government.

7. The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall provide the guide to:

(a) Each political subdivision required to adopt a response plan pursuant to NRS 239C.250;

(b) Each utility and each provider of new electric resources required to prepare and maintain an emergency response plan pursuant to NRS 239C.270;

(c) Each ~~[development]~~ *crisis* committee required to develop a plan to be used in responding to a crisis, emergency or suicide *and all other hazards* by:

(1) A public school or charter school pursuant to NRS 388.243; or

(2) A private school pursuant to NRS 394.1687; and

(d) Each resort hotel required to adopt an emergency response plan pursuant to NRS 463.790.

~~[Sec. 3.]~~ *Sec. 20.* This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 6 to Senate Bill No. 36 incorporates national best practices in emergency management and response. It clarifies the board of health representative on the development committee is a representative designated by the appropriate county or district board of health. It clarifies the member of the development committee who is the parent or legal guardian of a pupil may not be an individual employed by the school district or charter school. It also changes the name of development committees to crisis committees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

SUMMARY—Revises provisions relating to warrants. (BDR 14-405)

AN ACT relating to criminal procedure; prohibiting a magistrate from issuing a no-knock arrest warrant or search warrant except under certain circumstances; requiring an arrest warrant or a search warrant to specify whether it is a no-knock warrant; establishing provisions relating to the manner of execution of a no-knock arrest warrant or search warrant; revising provisions relating to the circumstances under which a summons may be issued instead of an arrest warrant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a magistrate to issue a warrant for the arrest of a defendant if, based on an affidavit or affidavits filed with a complaint or certain ~~[information,]~~ citations, there is probable cause to believe that an offense has

been committed and that the defendant has committed the offense ~~[.]~~ , unless a district attorney requests the issuance of a summons, in which case the magistrate must issue a summons. (NRS 171.106) If the affidavit or affidavits are filed with an application for an arrest warrant, section 1.1 of this bill maintains the existing default standard of issuing an arrest warrant, or a summons upon the request of a district attorney; however, if the affidavit or affidavits are filed with certain citations, section 1.1 authorizes a magistrate to issue an arrest warrant or a summons.

Section ~~[1 of this bill]~~ 1.1 also establishes additional requirements for the issuance of a no-knock warrant. Specifically, section 1.1 prohibits a magistrate from issuing a no-knock warrant for the arrest of a defendant unless ~~[it is shown by]~~ an affidavit , ~~[or affidavits,]~~ sworn to before the magistrate : ~~[, that a no-knock warrant is necessary:]~~ (1) ~~[to ensure the safety of the peace officer executing the warrant or the safety of any other person; or]~~ demonstrates that the underlying offense is punishable as a felony and involves a significant and imminent threat to public safety; (2) ~~[to prevent the destruction of evidence.]~~ demonstrates that identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of significant bodily harm to the peace officer or another person; (3) describes factual circumstances that demonstrate that there are no reasonable alternatives to effectuating the arrest of the person other than in the manner prescribed by the no-knock arrest warrant; (4) states whether the no-knock arrest warrant can be executed during the day and, if it cannot, the reasoning behind such a determination; and (5) certifies that the no-knock arrest warrant will be executed under the guidance of a peace officer trained in executing warrants of arrest.

Existing law requires an arrest warrant to include certain information. (NRS 171.108) In addition to the existing requirements, section 1.2 of this bill requires the arrest warrant to specify whether it is a no-knock arrest warrant. Section 1.3 of this bill makes a conforming change in order to maintain the existing requirements relating to the contents of a summons.

Existing law sets forth the manner of executing arrest warrants. (NRS 171.122) In addition to the existing requirements, section 1.4 of this bill requires peace officers involved in the execution of the no-knock arrest warrant to: (1) make certain determinations before executing the no-knock arrest warrant; and (2) take certain actions in the execution of the no-knock arrest warrant, including making certain disclosures and wearing a portable event recording device. Section 1.5 of this bill makes a conforming change relating to the execution of arrest warrants.

Existing law also authorizes a magistrate to issue a search warrant to search a place or person for any property: (1) that is stolen or embezzled; (2) that is designed or intended for use or which is or has been used as the means of committing a criminal offense; or (3) when the property consists of any item or constitutes any evidence which tends to show that a criminal offense has been committed or that a particular person has committed a criminal offense. (NRS 179.035) Section 2 of this bill ~~[prohibits a magistrate from issuing a~~

~~no-knock warrant to search the person or place named in the search warrant unless it is shown by an affidavit or affidavits, sworn to before the magistrate, that a no-knock warrant is necessary: (1) to ensure the safety of the peace officer executing the search warrant or the safety of any other person; or (2) to prevent the destruction of evidence. Section]~~ sets forth requirements for the issuance of a no-knock search warrant that are identical to those described in section 1.1 for no-knock arrest warrants.

Existing law requires search warrants to contain certain information. (NRS 179.045) In addition to the existing requirements, section 3.3 of this bill requires the search warrant to specify whether it is a no-knock search warrant.

Existing law sets forth various requirements relating to the manner of executing a search warrant. (NRS 179.075, 179.077) In addition to the existing requirements, section 3.5 of this bill sets forth requirements concerning the execution of no-knock search warrants that are identical to those described in section 1.4 for no-knock arrest warrants.

Sections 1 and 1.9 of this bill define the term "no-knock warrant" for the purposes of arrest warrants and search warrants, respectively. Sections 1.8, 3 and 3.7 of this bill ~~[makes a]~~ make conforming ~~[change to indicate the appropriate placement of section 2 in the Nevada Revised Statutes.]~~ changes relating to no-knock warrants.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in sections 171.102 to 171.122, inclusive, unless the context otherwise requires, "no-knock warrant" means a warrant for the arrest of a defendant which authorizes a peace officer to enter a premises without first:

1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or

2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.

~~[Section 1.]~~ *Sec. 1.1.* NRS 171.106 is hereby amended to read as follows:

171.106 *1.* If it appears ~~[from the complaint or a citation issued pursuant to NRS 484A.730, 488.920 or 501.386, or]~~ from an affidavit or affidavits filed with ~~[the complaint or citation]~~ *an application for a warrant* that there is probable cause to believe that an offense, triable within the county, has been committed and that the defendant has committed it, a warrant for the arrest of the defendant ~~[shall]~~ *must* be issued by the magistrate to any peace officer. Upon the request of the district attorney , a summons instead of a warrant ~~[shall issue.]~~ *must be issued.*

2. If it appears from an affidavit or affidavits filed with a complaint or citation issued pursuant to NRS 484A.730, 488.920 or 501.386 that there is probable cause to believe that an offense, triable within the county, has been

committed and that the defendant has committed it, the magistrate may issue to any peace officer:

(a) A warrant; or

(b) A summons.

3. A magistrate may not issue a warrant that is a no-knock warrant pursuant to subsection 1 or 2 unless an affidavit filed with the application, complaint or citation, as applicable:

(a) Demonstrates that:

(1) The underlying offense:

(I) Is punishable as a felony; and

(II) Involves a significant and imminent threat to public safety; and

(2) Identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of substantial bodily harm to the peace officer or another person;

(b) Describes with specificity the factual circumstances as to why there are no reasonable alternatives to effectuate the arrest of the defendant other than in the manner prescribed by the no-knock warrant;

(c) States whether the no-knock warrant can be executed during the day and, if it cannot, describes with specificity the factual circumstances that preclude the no-knock warrant from being executed during the day; and

(d) Certifies that the no-knock warrant will be executed under the guidance of a peace officer who is trained in the execution of warrants.

4. More than one warrant or summons may ~~[issue]~~ *be issued* on the same *application,* complaint or citation.

5. If a defendant fails to appear in response to ~~[the]~~ *a* summons, a warrant ~~[shall issue.]~~ *must be issued for the arrest of the defendant.*

~~*[2. A magistrate shall not issue a no-knock warrant for the arrest of a defendant unless it is shown by an affidavit or affidavits, sworn to before the magistrate, that a no-knock warrant is necessary:*~~

~~*(a) To ensure the safety of the peace officer executing the warrant or the safety of any other person based upon specific facts and circumstances involving the defendant or the location where the warrant is executed, including, without limitation, the following circumstances:*~~

~~*(1) The defendant has a criminal history that evidences a tendency towards violence; or*~~

~~*(2) The defendant has previously attempted to escape during the execution of a felony warrant for his or her arrest; or*~~

~~*(b) To prevent the destruction of evidence, including, without limitation, electronic evidence or the presence of a controlled substance*~~

~~*3. As used in this section, "no-knock warrant" means a warrant that authorizes a peace officer to enter a premises without first:*~~

~~*(a) Knocking on the door or ringing the doorbell;*~~

~~*(b) Identifying himself or herself as a peace officer and stating his or her intent or purpose; and*~~

~~*(c) Waiting a reasonable amount of time for the occupant to let him or her into the premises.]*~~

6. A peace officer shall not deliberately misrepresent a material fact or omit material information in an affidavit described in subsection 3, and if the affidavit is based upon a deliberately misrepresented fact or an omission of material information, the magistrate shall reject the affidavit.

Sec. 1.2. NRS 171.108 is hereby amended to read as follows:

171.108 ~~[The]~~ *A* warrant of arrest is an order in writing in the name of the State of Nevada which ~~[shall:]~~ *must:*

1. Be signed by the magistrate with the magistrate's name of office;

2. Contain the name of the defendant or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty;

3. State the date of its issuance, and the county, city or town where it was issued;

4. ~~[Describe]~~ *State* the offense ~~[charged]~~ *described* in ~~[the complaint; and]~~ *NRS 171.106;*

5. Command that the defendant be arrested and brought before the nearest available magistrate ~~[.]~~ *; and*

6. State whether the warrant is a no-knock warrant.

Sec. 1.3. NRS 171.112 is hereby amended to read as follows:

171.112 ~~[The]~~

1. A summons *is an order in writing in the name of the State of Nevada which* ~~[shall be in the same form as the warrant except that it shall summon]~~ *must:*

(a) Include the information described in subsections 1 to 4, inclusive, of NRS 171.108; and

(b) Summon the defendant to appear before a magistrate at a stated time and place.

2. Upon a complaint against a corporation, the magistrate must issue a summons, signed by the magistrate, with the magistrate's name of office, requiring the corporation to appear before the magistrate at a specified time and place to answer the charge, the time to be not less than 10 days after the issuing of the summons.

Sec. 1.4. NRS 171.122 is hereby amended to read as follows:

171.122 1. Except as otherwise provided in subsection ~~[2,]~~ *3,* the warrant must be executed by the arrest of the defendant. The *peace* officer need not have the warrant in the *peace* officer's possession at the time of the arrest, but upon request the *peace* officer must show the warrant to the defendant as soon as possible. If the *peace* officer does not have a warrant in the *peace* officer's possession at the time of the arrest, the *peace* officer shall then inform the defendant of the *peace* officer's intention to arrest the defendant, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for the defendant's arrest and detention. If

the defendant either flees or forcibly resists, the *peace* officer may, except as otherwise provided in NRS 171.1455, use only the amount of reasonable force necessary to effect the arrest.

2. *In addition to the requirements described in subsection 1, if the warrant is a no-knock warrant, the peace officers involved in the execution of the no-knock warrant shall:*

(a) Before executing the no-knock warrant, determine whether the circumstances necessitate that the arrest of the defendant be effectuated in the manner prescribed by the no-knock warrant and, if they do not, the peace officers shall not effectuate the arrest of the defendant in such a manner; and

(b) In executing the no-knock warrant:

(1) Wear prominent insignia that renders the peace officers readily identifiable as peace officers;

(2) Wear a portable event recording device in accordance with the requirements described in NRS 289.830;

(3) Use only the amount of force reasonably necessary to enter the premises; and

(4) As soon as practicable after entering the premises, identify the presence of the peace officers and state the purpose of the peace officers for entering the premises.

3. In lieu of executing ~~[the]~~ *a* warrant by arresting the defendant, a peace officer may issue a citation as provided in NRS 171.1773 if:

(a) The warrant is issued upon an offense punishable as a misdemeanor;

(b) The *peace* officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;

(c) The defendant provides satisfactory evidence of his or her identity to the peace officer;

(d) The defendant signs a written promise to appear in court for the misdemeanor offense; and

(e) The *peace* officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

~~[3. The]~~

4. A summons must be served upon a defendant by delivering a copy to the defendant personally, or by leaving it at the defendant's dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.

Sec. 1.5. NRS 171.152 is hereby amended to read as follows:

171.152 1. The peace officer executing a warrant by arrest shall make return thereof to the magistrate before whom the defendant is brought pursuant to NRS 171.178 and 171.184. At the request of the district attorney any unexecuted warrant must be returned to the magistrate by whom it was issued and must be cancelled.

2. The peace officer executing a warrant by issuance of a citation pursuant to subsection ~~[2]~~ *3* of NRS 171.122 shall:

(a) Record on the warrant the number assigned to the citation issued thereon;

(b) Attach the warrant to the citation issued thereon; and

(c) Return the warrant and citation to the magistrate before whom the defendant is scheduled to appear.

3. On or before the return day the person to whom a summons was delivered for service shall make return thereof to the magistrate before whom the summons is returnable.

4. At the request of the district attorney made at any time while the complaint is pending, a warrant returned unexecuted and not cancelled or a summons returned unserved or a duplicate thereof may be delivered by the magistrate to a peace officer for execution or service.

Sec. 1.7. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.8 to 2.5, inclusive, of this act.

Sec. 1.8. As used in NRS 179.015 to 179.115, inclusive, and sections 1.8 to 2.5, inclusive, of this act, the words and terms defined in NRS 179.015 and section 1.9 of this act have the meanings ascribed to them in those sections.

Sec. 1.9. "No-knock warrant" means a search warrant which authorizes a peace officer to enter a premises without first:

1. Knocking on the door or ringing the doorbell and identifying the presence of the peace officer; or

2. Identifying the presence of the peace officer and stating the intended purpose of the peace officer for entering the premises.

Sec. 2. ~~[Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:]~~

1. A magistrate shall not issue a no-knock warrant to search the person or place named in the search warrant unless ~~[it is shown by]~~ an affidavit ~~[or affidavits,]~~ sworn to before the magistrate : ~~[, that a no-knock warrant is necessary:]~~

(a) ~~[To ensure the safety of the peace officer executing the search warrant or the safety of any other person based upon specific facts and circumstances involving the person or place named in the search warrant, including, without limitation, the following circumstances:]~~ Demonstrates that:

(1) ~~[The person to be searched has a criminal history that evidences a tendency towards violence; or]~~ The underlying offense:

(I) Is punishable as a felony; and

(II) Involves a significant and imminent threat to public safety; and

(2) ~~[The person to be searched has previously attempted to escape during the execution of a felony warrant for his or her arrest; or]~~ Identifying the presence of the peace officer before entering the premises is likely to create an imminent threat of substantial bodily harm to the peace officer or another person;

(b) ~~[To prevent the destruction of evidence, including, without limitation, electronic evidence or the presence of a controlled substance.]~~ Describes with specificity the factual circumstances as to why there are no reasonable alternatives to effectuate the search of the place or person other than in the manner prescribed by the no-knock warrant;

(c) States whether the no-knock warrant can be executed during the day and, if it cannot, describes with specificity the factual circumstances that preclude the no-knock warrant from being executed during the day; and

(d) Certifies that the no-knock warrant will be executed under the guidance of a peace officer who is trained in the execution of search warrants.

2. ~~[As used in this section, "no-knock warrant" means a search warrant that authorizes a peace officer to enter a premises without first:~~

~~(a) Knocking on the door or ringing the doorbell;~~

~~(b) Identifying himself or herself as a peace officer and stating his or her intent or purpose; and~~

~~(c) Waiting a reasonable amount of time for the occupant to let him or her into the premises.]~~ A peace officer shall not deliberately misrepresent a material fact or omit material information in any affidavit described in subsection 1, and if the affidavit is based upon a deliberately misrepresented fact or an omission of material information, the magistrate shall reject the affidavit.

Sec. 2.5. In addition to the requirements for the execution of a search warrant described in NRS 179.075 and 179.077, if the search warrant is a no-knock warrant, the peace officers involved in the execution of the no-knock warrant shall:

(a) Before executing the no-knock warrant, determine whether the circumstances necessitate that the search be effectuated in the manner prescribed by the no-knock warrant and, if they do not, the peace officers shall not effectuate the search in such a manner; and

(b) In executing the no-knock warrant:

(1) Wear prominent insignia that renders the peace officers readily identifiable as peace officers;

(2) Wear a portable event recording device in accordance with the requirements described in NRS 289.830;

(3) Use only the amount of force reasonably necessary to enter the premises; and

(4) As soon as practicable after entering the premises, identify the presence of the peace officers and state the purpose of the peace officers for entering the premises.

Sec. 3. NRS 179.015 is hereby amended to read as follows:

179.015 ~~[As used in NRS 179.015 to 179.115, inclusive, *and section 2 of this act*, the term "property"]~~ *"Property"* includes documents, books, papers and any other tangible objects.

Sec. 3.3. NRS 179.045 is hereby amended to read as follows:

179.045 1. A search warrant may issue only on affidavit or affidavits sworn to before the magistrate and establishing the grounds for issuing the warrant or as provided in subsection 3. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate shall issue a warrant identifying the property and naming or describing the person or place to be searched.

2. Secure electronic transmission may be used for the submission of an application and affidavit required by subsection 1, and for the issuance of a search warrant by a magistrate. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this subsection.

3. In lieu of the affidavit required by subsection 1, the magistrate may take an oral statement given under oath, which must be recorded in the presence of the magistrate or in the magistrate's immediate vicinity by a certified court reporter or by electronic means, transcribed, certified by the reporter if the reporter recorded it, and certified by the magistrate. The statement must be filed with the clerk of the court.

4. Upon a showing of good cause, the magistrate may order an affidavit or a recording of an oral statement given pursuant to this section to be sealed. Upon a showing of good cause, a court may cause the affidavit or recording to be unsealed.

5. After a magistrate has issued a search warrant, whether it is based on an affidavit or an oral statement given under oath, the magistrate may orally authorize a peace officer to sign the name of the magistrate on a duplicate original warrant. A duplicate original search warrant shall be deemed to be a search warrant. It must be returned to the magistrate who authorized the signing of it. The magistrate shall endorse his or her name and enter the date on the warrant when it is returned. Any failure of the magistrate to make such an endorsement and entry does not in itself invalidate the warrant.

6. The warrant must ~~[be]~~ :

(a) Be directed to a peace officer in the county where the warrant is to be executed ~~[. It must:~~

~~(a)]~~ :

(b) State the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof , ~~[;]~~ or

~~[(b) Incorporate]~~ *incorporate* by reference the affidavit or oral statement upon which it is based ~~[.~~

~~* The warrant must command]~~ ;

(c) Command the *peace* officer to search forthwith the person or place named for the property specified ~~[.~~

~~7. The warrant must direct~~] ;

(d) Direct that ~~[it]~~ *the warrant* be served between the hours of 7 a.m. and 7 p.m., unless the magistrate, upon a showing of good cause therefor, inserts a direction that ~~[it]~~ *the warrant* be served at any time ~~[.~~

~~8. The warrant must designate~~] ;

(e) Designate the magistrate to whom it is to be returned ~~[.~~

~~9.~~] *; and*

(f) Indicate whether the search warrant is a no-knock warrant.

7. As used in this section, "secure electronic transmission" means the sending of information from one computer system to another computer system in such a manner as to ensure that:

(a) No person other than the intended recipient receives the information;

(b) The identity of the sender of the information can be authenticated; and

(c) The information which is received by the intended recipient is identical to the information that was sent.

Sec. 3.7. NRS 179.115 is hereby amended to read as follows:

179.115 NRS 179.015 to 179.115, inclusive, *and sections 1.8 to 2.5, inclusive, of this act* do not modify any other statute regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made.

Sec. 4. The amendatory provisions of this act apply to a warrant or summons issued on or after October 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 44 to Senate Bill No. 50 specifies that a summons or warrant may be issued and if a defendant fails to appear in response to a summons, a warrant must be issued. It provides that a no-knock warrant shall not be issued for the arrest of a defendant unless a sworn affidavit demonstrates that the underlying crime involves a significant and imminent threat to public safety and giving notice is likely to create an imminent threat of death or serious bodily injury to the life of officers executing the warrant or to another person. It sets forth the criteria that an application for a no-knock arrest warrant or no-knock search warrant must meet, including establishing that the subject has committed a felony or that the underlying activity constitutes a felony and involves a significant and imminent threat to public safety. Describing factors making a no-knock warrant necessary because no reasonable alternative exists; stating whether the no-knock warrant can be executed during daylight hours and, if not, explains the facts and circumstances precluding a daylight execution of the warrant, and certifying that the warrant will be served under the guidance of an on-scene officer who is appropriately trained in the execution of such warrants.

It sets forth the manner of executing a no-knock warrant, including that officers shall identify themselves as soon as practicable after entering. Officers shall wear prominent insignia that identifies them as law enforcement. They shall use only force which is reasonable and necessary to enter the premises. Officers executing the warrant shall wear body cameras. Upon arrival and prior to effecting a no-knock entry, officers must determine if any change in circumstances has made a no-knock entry unnecessary or has created a risk of imminent danger to the life of any bystander or third person inside or outside the premises.

It provides that it is a violation of this act if an officer deliberately misrepresents a material fact or omits material information from an affidavit in support of an application for a no-knock warrant and, when the misrepresented material is excluded or the omitted information is included, the affidavit fails to meet the criteria described above.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 42.

SUMMARY—Revises provisions relating to hemp. (BDR 49-264)

AN ACT relating to hemp; requiring the submission of an application for registration as a grower, handler or producer of hemp to the State Department of Agriculture on or before July 1 of any year; requiring a complete set of fingerprints to accompany an application for registration as a grower, handler or producer in certain circumstances; setting forth certain requirements for the sampling and testing of hemp; authorizing a grower to perform remediation activities on a growing crop of hemp that has a THC concentration that exceeds federal limits to render the crop compliant; revising the circumstances under which the Department is authorized to refuse to issue or renew, suspend or revoke a registration as a grower, handler or producer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the growing and handling of hemp and the production of agricultural hemp seed by persons registered with the State Department of Agriculture. (NRS 557.200) Section 1 of this bill requires that an application for registration as a grower, handler or producer be submitted to the Department on or before July 1 of any year ~~[.]~~ and requires the applicant to submit a complete set of the applicant's fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing. In lieu of submitting a complete set of fingerprints, section 1 authorizes an applicant to submit any document or other information required by the Department to perform a background check to verify eligibility in accordance with federal regulations. (7 C.F.R. § 990.6)

Existing federal law authorizes the production of hemp under the primary jurisdiction of a state or Indian tribe if the state or Indian tribe submits to the United States Secretary of Agriculture a plan that satisfies certain requirements. (7 U.S.C. § 1639p) Existing federal regulations set forth requirements for such a plan. (7 C.F.R. §§ 990.2-990.8)

Existing law authorizes the Department to inspect any growing crop of a grower and take a representative sample for analysis in the field. The Department may detain, seize or embargo the crop if the testing of such a sample determines that the crop contains a THC concentration that exceeds the maximum THC concentration established by federal law for hemp. (NRS 557.240) Section 1.5 of this bill removes the authority of the Department to detain, seize or embargo the crop pursuant to such an analysis and instead

provides the grower with the option to submit a plan to perform remediation activities in order to render the crop compliant. If the grower fails to submit or comply with such a remediation plan or the remediation fails, the Department may detain, seize or embargo the crop.

Existing federal law and regulations require a state plan to include certain procedures for the sampling and testing of hemp. (7 U.S.C. § 1639p; 7 C.F.R. § 990.3) Existing state law requires a grower or producer to submit to the Department or a cannabis independent testing laboratory approved by the Department a sample of each crop of hemp for testing before harvesting. (NRS 557.270) Section 2 of this bill revises this requirement to instead require the Department to collect a sample of each crop of hemp for testing before it is harvested. Section 2 then requires a grower or producer to harvest a crop within a specified period of time after the Department collects such a sample. If a grower or producer does not harvest a crop within that period of time, section 2 prohibits the grower or producer from harvesting the crop until the Department has collected a new sample. Section 2 further requires such a sample to be tested and a report of the results of such testing to be issued to the grower or producer. Under section 2, if a grower or producer harvests a crop before a sample has been collected by the Department: (1) the crop is deemed to have failed the required testing; and (2) the Department is prohibited from renewing the registration of the grower or producer.

Existing federal regulations require a state plan to exclude from participation in the state's program for the production of hemp any person who materially falsifies any information contained in an application to participate in the program. (7 C.F.R. § 990.6) Section 3 of this bill authorizes the Department to refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer who materially falsifies any information in an application for registration submitted to the Department. Additionally, section 3 authorizes the Department to take such action against a person who: (1) grows, handles or produces hemp in a manner that is inconsistent with the information submitted to the Department in the approved application for registration; or (2) fails to comply with applicable local ordinances or rules. Finally, section 3 authorizes the Department to refuse to issue a registration as a grower, handler or producer to a person who has previously had such a registration refused or revoked for certain specified reasons.

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

Section 1. NRS 557.200 is hereby amended to read as follows:

557.200 1. A person shall not grow or handle hemp or produce agricultural hemp seed unless the person is registered with the Department as a grower, handler or producer, as applicable.

2. A person who wishes to grow or handle hemp must register with the Department as a grower or handler, as applicable.

3. A person who wishes to produce agricultural hemp seed must register with the Department as a producer unless the person is:

(a) A grower registered pursuant to subsection 2 who retains agricultural hemp seed solely pursuant to subsection 3 of NRS 557.250; or

(b) A grower or handler registered pursuant to subsection 2 who processes seeds of any plant of the genus Cannabis which are incapable of germination into commodities or products.

➥ A person may not register as a producer unless the person is also registered as a grower or handler.

4. A person who wishes to register with the Department as a grower, handler or producer must *, on or before July 1 of any year,* submit to the Department the fee established pursuant to subsection 8 and an application, on a form prescribed by the Department, which includes:

(a) The name and address of the applicant;

(b) The name and address of the applicant's business in which hemp or agricultural hemp seed will be grown, handled or produced, if different than that of the applicant;

(c) Information concerning the land and crop management practices of the applicant; and

(d) Such other information as the Department may require by regulation.

5. Registration as a grower, handler or producer expires on December 31 of each year and may be renewed upon submission of an application for renewal containing:

(a) Proof satisfactory to the Department that the applicant complied with the provisions of this chapter and the regulations adopted pursuant thereto relating to testing of hemp;

(b) Proof satisfactory to the Department that the land and crop management practices of the applicant are adequate, consistent with any previous information submitted to the Department and do not negatively affect natural resources; and

(c) Such other information as the Department may require by regulation.

6. A grower, handler or producer who intends to surrender or not renew a registration must notify the Department not less than 30 days before the registration is surrendered or expires and submit to the Department a plan for the effective disposal or eradication of any existing live plants, viable seed or harvested crop.

7. The Department shall adopt regulations that authorize the transfer of a registration as a grower, handler or producer and establish conditions for such a transfer. The regulations must include, without limitation, provisions which allow a grower, handler or producer which changes its business name or the ownership of the grower, handler or producer to transfer its registration to the new entity.

8. The Department shall establish by regulation fees for the issuance and renewal of registration as a grower, handler or producer and for any other service performed by the Department in an amount necessary to cover the costs of carrying out this chapter.

9. For the purpose of demonstrating compliance with 7 C.F.R. § 990.6, each applicant to register as a grower, handler or producer or to transfer such a registration must submit with his or her application a complete set of the applicant's fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints of the applicant.

10. In lieu of submitting a complete set of his or her fingerprints and written permission pursuant to subsection 9, an applicant may, in accordance with regulations adopted by the Department, submit any document or other information required by the Department to perform a background check of the applicant to verify the eligibility of the applicant in accordance with 7 C.F.R. § 990.6.

Sec. 1.5. NRS 557.240 is hereby amended to read as follows:

557.240 1. A grower or handler shall keep and maintain for a period of not less than 3 years such records as the Department may prescribe by regulation and, upon 3 days' notice, make such records available to the Department for inspection during normal business hours. The Department may inspect records pursuant to this subsection to determine whether a person has complied with the provisions of this chapter, the regulations adopted pursuant thereto and any lawful order of the Department.

2. The Department may inspect any growing crop of a grower and take a representative sample for analysis in the field. If the testing of such a sample in the field determines that the crop contains a THC concentration that exceeds the maximum THC concentration established by federal law for hemp ~~[:~~

~~(a) The Department may detain, seize or embargo the crop; and~~

~~(b) The]~~ *, the* grower shall submit a plan for the effective disposal *or remediation* of the crop to the Department for its approval.

3. *If a crop has been determined pursuant to subsection 2 to contain a THC concentration that exceeds the maximum THC concentration established by federal law for hemp, the grower of the crop may elect to perform remediation activities to render the crop compliant. After a grower performs remediation activities pursuant to a plan for the effective remediation of a crop approved pursuant to subsection 2, an additional inspection, sampling and testing of the crop must be conducted to determine the THC concentration of the crop.*

4. If a grower fails to submit an approved plan to the Department pursuant to ~~[paragraph (b) of]~~ subsection 2 or fails to follow the provisions of such a plan, *or if a crop continues to contain a THC concentration that exceeds the maximum THC concentration established by federal law for hemp after remediation pursuant to subsection 3,* the Department may:

(a) Impose any additional requirement it determines necessary upon the grower;

(b) Suspend or revoke the registration of the grower;

(c) Impose an administrative fine pursuant to NRS 557.280 on the grower;

(d) Report the grower to the appropriate local law enforcement agency for investigation of a violation of the provisions of chapter 453 of NRS ~~[.]~~ *; or*

(e) Detain, seize or embargo the crop.

~~[4.]~~ *5.* If the Department determines that the land or crop management practices of a grower, handler or producer are inadequate, inconsistent with the information concerning such practices submitted to the Department pursuant to NRS 557.200 or negatively affect natural resources, the Department may impose an administrative fine pursuant to NRS 557.280.

Sec. 2. NRS 557.270 is hereby amended to read as follows:

557.270 1. A grower, handler or producer may submit hemp or a commodity or product made using hemp, other than a commodity or product described in subsection 1 of NRS 439.532, to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

2. ~~[A grower or producer shall, before harvesting, submit]~~ *Before the harvest of any crop, the Department shall collect* a sample of ~~[each]~~ *the* crop . ~~[to the]~~ *A grower or producer must harvest a crop in a timely manner after the collection of such a sample and within the period of time prescribed in the regulations promulgated by the Secretary of Agriculture of the United States pursuant to 7 U.S.C. § 1639r. A grower or producer who does not harvest a crop within that period of time shall not harvest the crop before the Department has collected a new sample of the crop*.

3. The Department or a cannabis independent testing laboratory approved by the Department *shall test each sample collected pursuant to subsection 2* to determine whether the crop has a THC concentration that exceeds the maximum THC concentration established by federal law for hemp. The Department may adopt regulations relating to such testing which include, without limitation:

(a) Protocols and procedures for the testing of a crop, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing; and

(b) A requirement that a cannabis independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

~~[3.]~~ *4. When the Department has obtained the results of the testing required by subsection 3, the Department shall issue to the grower or producer of the crop a report of the results of the testing which must include, without limitation, the THC concentration of the crop.*

5. A crop which is harvested before ~~[the testing required by]~~ *a sample has been collected by the Department pursuant to* subsection 2 ~~[is completed]~~ shall be deemed to have failed the testing *required by subsection 3* and may be detained, seized or embargoed by the Department. The Department shall not renew the registration of a grower or producer who harvests a crop before ~~[the testing required by]~~ *a sample has been collected by the Department pursuant to* subsection 2 . ~~[is completed.~~

~~4.~~ *6.* Except as otherwise provided in subsection ~~[3]~~ *5* and by federal law, a grower or producer whose crop fails a test prescribed by the Department pursuant to this section may ~~[submit]~~ *request that the Department collect a new sample of* that same crop for retesting. The Department shall adopt regulations establishing protocols and procedures for such retesting.

~~[5.]~~ *7.* As used in this section, "cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

Sec. 3. NRS 557.280 is hereby amended to read as follows:

557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for *:*

(a) Materially falsifying any information in an application for registration as a grower, handler or producer;

(b) Growing or handling hemp or producing agricultural hemp seed in a manner that is inconsistent with the information submitted to the Department in an approved application for registration as a grower, handler or producer;

(c) Failing to comply with all applicable local governmental ordinances or rules; or

(d) Committing a violation of any provision of this chapter, the regulations adopted pursuant thereto or any lawful order of the Department.

2. *In addition to any other lawful reason, the Department may refuse to issue a registration as a grower, handler or producer to a person who has previously had such a registration refused or revoked pursuant to paragraph (a) or (b) of subsection 1.*

3. The Department shall impose an administrative fine in an amount not to exceed $2,500 on any person who fails to comply with the provisions of subsection 6 of NRS 557.200.

~~[3.]~~ *4.* Except as otherwise provided in subsection ~~[2]~~ *3* and in addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of this chapter, the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed $2,500.

~~[4.]~~ *5.* All fines collected by the Department pursuant to subsections ~~[2]~~ *3* and ~~[3]~~ *4* must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 4. This act becomes effective upon passage and approval.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 42 to Senate Bill No. 63 authorizes a grower to perform remediation activities on a growing crop of hemp that has a THC concentration that exceeds federal limits to render the crop compliant. It further requires a complete set of fingerprints to accompany an application for registration as a grower, handler or producer in certain circumstances.

The second provision was added at the request of the State Department of Agriculture immediately following the work session because hemp growers have been experiencing challenges with securing the necessary FBI background checks, which is a new federal requirement as a condition of certification. The Department consulted with Nevada's Department of Public Safety that suggested accepting fingerprint cards to route for the necessary background checks, but authorizing language was needed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 138.

Bill read second time.

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

Amendment No. 247.

SUMMARY—Revises provisions relating to planned development. (BDR 22-566)

AN ACT relating to land use planning; revising requirements for an ordinance for planned unit development; revising requirements for minimum site areas and parking for a planned unit development; eliminating the requirement that a planned unit development obtain tentative approval; making various other changes relating to provisions relating to planned unit development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives certain powers to a city or county that enacts an ordinance for planned unit development. (NRS 278A.080) Section 2 of this bill provides that a city or county ~~[is not prohibited from enacting]~~ may only exercise the powers relating to planned unit development granted if the county or city enacts an ordinance for planned development that ~~[is consistent with the general statutory requirements relating to planning and zoning.]~~ conforms to the requirements of chapter 278A of NRS.

Existing law requires an ordinance for planned unit development to set forth standards and conditions by which a proposed planned unit development is evaluated. (NRS 278.090) Section 3 of this bill requires the ordinance also to: (1) require the plan to be set forth in written and graphic materials, as specified in the ordinance; (2) set forth certain procedures for reviewing an application for a plan; and (3) set forth procedures for reviewing an application to modify, remove or release any provision of a plan. Section 1 of this bill makes a conforming change to the definition of "plan."

~~[Section 5 of this bill provides that the ordinance may require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents or owners of the development.]~~

Section 6 of this bill ~~[provides that the ordinance may authorize a city or county to accept the dedication of land or interest in the land for public use and maintenance.]~~ clarifies that an offer to dedicate common open space must be accepted or rejected within 120 days.

Existing law requires an ordinance to set forth all standards and criteria for any feature of a planned unit development with sufficient certainty to provide work criteria by which specific proposals for the development may be evaluated. (NRS 278A.220) Section 7 of this bill provides, instead, that the ordinance must set forth all standards and criteria for any feature of a planned

unit development with sufficient certainty to provide criteria by which specific proposals for the development may be evaluated.

Existing law requires the minimum site area for a planned unit development to be 5 acres but authorizes the governing body of the city or county to waive the minimum site area when a proper planning justification is shown. (NRS 278A.250) Section 8 of this bill provides, instead, that the minimum site area is 5 acres unless the governing body of the city or county provides otherwise in the ordinance.

Existing law requires that a minimum of one parking space be provided for each dwelling unit in a planned unit development. (NRS 278A.320) Section 9 of this bill provides, instead, that a minimum of one parking space must be provided for each dwelling unit unless the governing body of the city or county provides otherwise in the ordinance.

Section 10 of this bill removes the requirement in existing law that the enforcement and modification of an approved plan must be to further the interests of the residents and owners of the planned unit development and the public and provides, instead, that the enforcement and modification of an approved plan are subject to the provisions adopted by the governing body in the ordinance. (NRS 278A.380)

~~[Existing law authorizes the city or county to enforce certain provisions of a plan pursuant to its powers of regulation. (NRS 278A.390) Section 11 of this bill provides that any other provision of a plan may be enforced by a city or county only as set forth in the ordinance.]~~

Section 13 of this bill revises the existing prohibition on a city or county approving the modification, removal or release of a provision of a plan without first holding a public hearing to provide, instead, that a provision of a plan may be modified, removed or released without a public hearing upon the application by a landowner to modify, remove or release the provisions of a plan if : (1) the plan does not include any residential development; (2) the modification, removal or release does not add any new residential development; and (3) the city or county determines that the modification, removal or release is minor in nature, substantially complies with the plan ~~[.]~~ and does not require the vacation or abandonment of a street, public sidewalk, pedestrian right-of-way or a drainage easement. (NRS 278A.410)

Existing law requires that a person who proposes a planned unit development must submit an application for tentative approval and an application for final approval. (NRS 278A.440, 278A.530) Section 14 of this bill provides, instead, that unless otherwise required by the ordinance, tentative approval of a plan for a planned unit development is not required. Consistent with this change, section 4 of this bill ~~[removes]~~ provides that the requirement in existing law that a reservation of common space in a planned development that will take place over a number of years must defer the location of the common space until an application for final approval is filed ~~[.]~~ applies only if the ordinance requires both tentative and final approval of the plan. (NRS 278A.110) ~~[Section 24 of this bill repeals the provisions relating to the~~

~~process for obtaining final approval. Sections 12, 15-17, 22 and 23 of this bill make conforming changes to eliminate references that distinguish between tentative and final approval.]~~

Existing law requires an ordinance for planned unit development to designate the fee for an application for tentative approval. (NRS 278A.450) Section 16 of this bill requires instead that the fee must be set forth in the ordinance or published and made publicly available by the city or county.

Section 17 of this bill provides that the ordinance may include a schedule showing the times in which additional applications for approval must be filed when a plan calls for development over a period of years.

~~[Sections]~~ Section 18 ~~[and 19]~~ of this bill ~~[eliminate the requirement in existing law that a grant or denial of an application for a plan be by minute action. (NRS 278A.490, 278A.500)]~~ provides that a city or county may, as part of its action in granting tentative or final approval of a plan, specify certain items which must accompany an application for final approval or be included in the approved plan.

Section 19 of this bill requires that the grant or denial of approval of a plan must ~~[be in writing and]~~ include ~~[a detailed explanation of the reasons that]~~ findings on whether the plan would or would not be ~~[in the public interest.]~~ consistent with the statement of objectives of a planned unit development and the city or county's master plan, if one has been adopted.

Section 20 of this bill provides that approval of a plan may be revoked under certain circumstances.

Section 21 of this bill ~~[removes an existing provision providing]~~ provides that an approved plan may not be modified or impaired by an act of the city or county unless the landowner consents ~~[,]~~ and the modification complies with the procedures in existing law for modifications. (NRS 278A.570)

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

Section 1. NRS 278A.060 is hereby amended to read as follows:

278A.060 "Plan" means the provisions for development of a planned unit development, including ~~*[, without limitation,]*~~ a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. ~~[The phrase "provisions of the plan" means the written and graphic materials referred to in this section.]~~

Sec. 2. NRS 278A.080 is hereby amended to read as follows:

278A.080 ~~*[1.]*~~ The powers granted under the provisions of this chapter may *only* be exercised by any city or county which enacts an ordinance conforming to the provisions of this chapter.

~~*[2. Nothing in this chapter prohibits a city or county from enacting an ordinance that sets forth procedures for planned development that are consistent with the provisions of chapter 278 of NRS.]*~~

Sec. 3. NRS 278A.090 is hereby amended to read as follows:

278A.090 Each ordinance enacted pursuant to the provisions of this chapter must ~~[set]~~ *:*

1. Require the plan to be set forth in written and graphic materials, as specified in the ordinance;

2. Set forth procedures by which the city or county will review an application for a plan, which must include, without limitation, procedures by which the city or county will review an application for a plan which calls for development over a period of years;

3. Set forth procedures by which the city or county will review and process an application to modify, remove or release any provision of the plan ~~*[,]*~~ *pursuant to NRS 278A.410; and*

4. Set forth the standards and conditions by which a proposed planned unit development is evaluated.

Sec. 4. NRS 278A.110 is hereby amended to read as follows:

278A.110 1. An ordinance enacted pursuant to the provisions of this chapter must establish standards governing the density or intensity of land use in a planned unit development.

2. The standards must take into account the possibility that the density or intensity of land use otherwise allowable on the site under the provisions of a zoning ordinance previously enacted may not be appropriate for a planned unit development. The standards may vary the density or intensity of land use otherwise applicable to the land within the planned unit development in consideration of:

(a) The amount, location and proposed use of common open space.

(b) The location and physical characteristics of the site of the proposed planned development.

(c) The location, design and type of dwelling units.

(d) The criteria for approval of a tentative map of a subdivision pursuant to subsection 3 of NRS 278.349.

3. In the case of a planned unit development which is proposed to be developed over a period of years, the standards may, to encourage the flexibility of density, design and type intended by the provisions of this chapter, authorize a departure from the density or intensity of use established for the entire planned unit development in the case of each section to be developed. The ordinance may authorize the city or county to allow for a greater concentration of density or intensity of land use within a section of development whether it is earlier or later in the development than the other sections. The ordinance may require that the approval by the city or county of a greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the city or county . ~~[, but]~~ *If the ordinance requires both tentative and final approval of a plan for a planned unit development,* the reservation must, as far as practicable, defer the precise

location of the common open space until an application for final approval is filed so that flexibility of development, which is a prime objective of this chapter, can be maintained.

Sec. 5. ~~[NRS 278A.120 is hereby amended to read as follows:~~

~~278A.120 The standards for a planned unit development established by an ordinance enacted pursuant to the provisions of this chapter [must] :~~

~~*1. May* require that any common open space resulting from the application of standards for density or intensity of land use be set aside for the use and benefit of the residents or owners of the development ; and [must include]~~

~~*2. If the ordinance includes provisions to set aside common open space, must include* provisions by which the amount and location of any common open space is determined and its improvement and maintenance secured.]~~ (Deleted by amendment.)

Sec. 6. NRS 278A.130 is hereby amended to read as follows:

278A.130 ~~*[1.]*~~ The ordinance must ~~*[may]*~~ provide that the city or county may accept the dedication of land or any interest therein for public use and maintenance, but the ordinance must not require, as a condition of the approval of a planned unit development, that land proposed to be set aside for common open space be dedicated or made available to public use.

~~*[2.]*~~ If any land is set aside for common open space , the ~~*[:*~~

~~*(a) The]*~~ planned unit development must be organized as a common-interest community in one of the forms permitted by chapter 116 of NRS.

~~*[(b)]*~~ The ordinance may require that the association for the common-interest community may not be dissolved or dispose of any common open space by sale or otherwise, without first offering to dedicate the common open space to the city or county. That offer *to dedicate the common open space* must be accepted or rejected within 120 days.

Sec. 7. NRS 278A.220 is hereby amended to read as follows:

278A.220 1. An ordinance enacted pursuant to this chapter must set forth the standards and criteria by which the design, bulk and location of buildings is evaluated, and all standards and all criteria for any feature of a planned unit development must be set forth in that ordinance with sufficient certainty to provide ~~[work]~~ criteria by which specific proposals for a planned unit development can be evaluated.

2. Standards in the ordinance must not unreasonably restrict the ability of the landowner to relate the plan to the particular site and to the particular demand for housing existing at the time of development.

Sec. 8. NRS 278A.250 is hereby amended to read as follows:

278A.250 The minimum site area is 5 acres ~~[, except that]~~ *unless* the governing body ~~[may waive this minimum when proper planning justification is shown.]~~ *provides otherwise in the ordinance.*

Sec. 9. NRS 278A.320 is hereby amended to read as follows:

278A.320 A minimum of one parking space shall be provided for each dwelling unit ~~[.]~~ *unless the governing body provides otherwise in the ordinance.*

Sec. 10. NRS 278A.380 is hereby amended to read as follows:

278A.380 1. The enforcement and modification of the ~~[provisions of the]~~ plan as finally approved, whether or not ~~[these are]~~ *the plan is* recorded by plat, covenant, easement or otherwise, are subject to *the ordinance adopted pursuant to this chapter and* the provisions contained in NRS 278A.390, 278A.400 and 278A.410.

2. ~~[The enforcement and modification of the provisions of the plan must be to further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan as finally approved.]~~ The enforcement and modification of ~~[provisions]~~ *the plan* must ~~[be drawn also to insure that modifications, if any, in the plan will]~~ not impair the reasonable reliance of the residents and owners upon the ~~[provisions of the]~~ plan or result in changes that would adversely affect the public interest.

Sec. 11. ~~[NRS 278A.390 is hereby amended to read as follows:~~

~~278A.390 *1.* The provisions of the plan relating to:~~

~~[1]. (a) The use of land and the use, bulk and location of buildings and structures;~~

~~[2.] *(b)* The quantity and location of common open space;~~

~~[3.] *(c)* The intensity of use or the density of residential units; and~~

~~[4.] *(d)* The ratio of residential to nonresidential uses,~~

~~* must run in favor of the city or county and are enforceable in law by the city or county, without limitation on any powers of regulation of the city or county.~~

~~*2. Any other provision of the plan not set forth in subsection 1 may be enforced by the city or county only as provided in the ordinance enacted pursuant to this chapter.]~~ (Deleted by amendment.)

Sec. 12. ~~[NRS 278A.400 is hereby amended to read as follows:~~

~~278A.400 1. All provisions of the plan shall run in favor of the residents of the planned unit residential development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan and to that extent such provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by the residents acting individually, jointly or through an organization designated in the plan to act on their behalf.~~

~~2. No provision of the plan exists in favor of residents on the planned unit residential development except as to those portions of the plan which have been [finally] approved and have been recorded.]~~ (Deleted by amendment.)

Sec. 13. NRS 278A.410 is hereby amended to read as follows:

278A.410 All provisions of the plan authorized to be enforced by the city or county may be modified, removed or released by the city or county, except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility, subject to the following conditions:

1. No such modification, removal or release of the provisions of the plan by the city or county may affect the rights of the residents of the planned unit residential development to maintain and enforce those provisions.

2. ~~[No]~~ *Except as otherwise provided in subsection 3, no* modification, removal or release of the provisions of the plan by the city or county is permitted except upon a finding by the city or county, following a public hearing , that ~~[it:]~~ *the modification, removal or release:*

(a) ~~[Is consistent with the efficient development and preservation of the entire planned unit development;~~

~~(b)]~~ Does not adversely affect either the enjoyment of land *within,* abutting upon or across a street from the planned unit development or the public interest; and

~~[(c)]~~ *(b)* Is not granted solely to confer a private benefit upon any person.

3. A city or county may approve a modification, removal or release of the provisions of a plan without a public hearing upon application by or on behalf of a landowner to modify, remove or release the provisions of the plan if ~~[the]~~ :

(a) The plan does not include any residential development;

(b) The modification, removal or release does not propose to add any new residential development; and

(c) The city or county determines that such modification, removal or release ~~[substantially]~~ :

(1) Is minor in nature, as defined in the ordinance;

(2) Substantially complies with the ~~[approved]~~ plan ~~[.]~~ ; and

(3) Does not require the vacation or abandonment of any street, public sidewalk, pedestrian right of way or drainage easement.

Sec. 14. NRS 278A.430 is hereby amended to read as follows:

278A.430 *1.* In order to provide an expeditious method for processing a plan for a planned unit development under the terms of an ordinance enacted pursuant to the powers granted under this chapter, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a multiplicity of local procedures of a plat or subdivision or resubdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a planned unit development and its continuing administration must be consistent with the provisions set out in *this section and* NRS 278A.440 to 278A.590, inclusive.

2. Unless otherwise provided in the ordinance, a tentative approval of the plan for a planned unit development is not required. ~~[The]~~ If the ordinance ~~[may include a procedure for granting]~~ requires both tentative and final approval ~~[that is subject to compliance]~~ , the city or county shall comply with ~~[further]~~ the procedures ~~[in order to obtain]~~ set forth in this section and NRS 278A.440 to 278A.590, inclusive, for granting tentative approval and final ~~[administrative]~~ approval of the plan.

Sec. 15. NRS 278A.440 is hereby amended to read as follows:

278A.440 An application for tentative *or final* approval of the plan for a planned unit development must be filed by or on behalf of the landowner.

Sec. 16. NRS 278A.450 is hereby amended to read as follows:

278A.450 1. The ~~[ordinance enacted pursuant to this chapter must designate the]~~ form of the application for tentative *or final* approval ~~[, the fee for filing the application]~~ and the official of the city or county with whom the application is to be filed ~~[.]~~ *must be:*

(a) Set forth in the ordinance enacted pursuant to this chapter; or

(b) Published and made publicly available by the city or county.

2. *The fee for filing the application must be ~~[set]~~ :*

(a) Set forth in the ordinance enacted pursuant to this chapter ~~[.]~~ ; or

(b) Published and made publicly available by the city or county.

3. ~~[The]~~ *If the ordinance requires both tentative and final approval, the* application for tentative approval may include a tentative map. If a tentative map is included, tentative approval may not be granted pursuant to NRS 278A.490 until the tentative map has been submitted for review and comment by the agencies specified in NRS 278.335.

Sec. 17. NRS 278A.470 is hereby amended to read as follows:

278A.470 The ordinance may require such information in the application as is reasonably necessary to disclose to the city or county:

1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.

2. The density of land use to be allocated to parts of the site to be developed.

3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.

4. The use and the approximate height, bulk and location of buildings and other structures.

5. The ratio of residential to nonresidential use.

6. The feasibility of proposals for disposition of sanitary waste and storm water.

7. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.

8. The provisions for parking of vehicles and the location and width of proposed streets and public ways.

9. The required modifications in the municipal land use regulations otherwise applicable to the subject property.

10. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which *additional* applications for ~~[final]~~ approval of all sections of the planned unit development are intended to be filed.

Sec. 18. NRS 278A.490 is hereby amended to read as follows:

278A.490 The city or county shall, following the conclusion of the public hearing provided for in NRS 278A.480 ~~[, by minute action:]~~ *:*

1. Grant tentative *or final* approval of the plan as submitted;

2. Grant tentative *or final* approval subject to specified conditions not included in the plan as submitted; or

3. Deny tentative *or final* approval to the plan.

➥ If tentative *or final* approval is granted, with regard to the plan as submitted or with regard to the plan with conditions, the city or county ~~[shall,]~~ *may,* as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval ~~[.]~~ *or be included in the approved plan.*

Sec. 19. NRS 278A.500 is hereby amended to read as follows:

278A.500 The grant or denial of tentative *or final* approval by minute action must set ~~*[:*~~

~~*1. Be in writing;*~~

~~*2. Set]*~~ forth the reasons for the grant, with or without conditions, or for the denial , and the minutes must set forth with particularity in what respects ~~*[; and*~~

~~*3. Include a detailed explanation of the reasons that]*~~ the plan would or would not be in the public interest, including but not limited to ~~*[which may include, without limitation,]*~~ findings on the following:

1. ~~*[(a)]*~~ In what respects the plan is or is not consistent with ~~[the]~~ *:*

(a) The statement of objectives of a planned unit development ~~[.]~~ *; and*

(b) The master plan adopted pursuant to NRS 278.150.

2. ~~*[(b)]*~~ The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest.

3. ~~*[(c)]*~~ The ratio of residential to nonresidential use in the planned unit development.

4. ~~*[(d)]*~~ The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

5. ~~*[(e)]*~~ The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

6. ~~*[(f)]*~~ The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

7. ~~*[(g)]*~~ In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the

interests of the public, residents and owners of the planned unit development in the integrity of the plan.

Sec. 20. NRS 278A.520 is hereby amended to read as follows:

278A.520 1. A copy of the minutes ~~*[grant or denial of approval that is prepared pursuant to NRS 278.500]*~~ must be mailed to the landowner.

2. Tentative approval of a plan does not qualify a plat of the planned unit development for recording or authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, may not be modified, revoked or otherwise impaired by action of the city or county pending an application for final approval, without the consent of the landowner. Impairment by action of the city or county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

3. ~~[The tentative approval must *Approval]*~~ *Before a plan is recorded or, if the ordinance requires both tentative and final approval, before final approval of the plan is granted, approval of a plan may* be revoked and ~~[the portion of]~~ the area included in the plan ~~[for which final approval has not been given]~~ is subject to local ordinances if:

(a) The landowner elects to abandon the plan or any part thereof, and so notifies the city or county in writing; or

(b) The landowner fails to file application for the final approval *or record the plan* within the ~~[required]~~ time ~~[.]~~ *required by the ordinance enacted by the city or county.*

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval ~~*[approved]*~~ by the city or county ~~[,]~~ must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive;

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and

subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of ~~[the landowner.]~~ *any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.*

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. ~~[NRS 278A.580 is hereby amended to read as follows:~~

~~"278A.580 No further development may take place on the property included in the plan until the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:~~

~~1. The plan, or a section thereof, is given approval and, thereafter, the landowner abandons the plan or the section thereof as [finally] approved and gives written notification thereof to the city or county; or~~

~~2. The landowner fails to carry out the planned unit development within the specified period of time after [the final] approval has been granted.]~~ (Deleted by amendment.)

Sec. 23. ~~[NRS 278A.590 is hereby amended to read as follows:~~

~~"278A.590 1. Any decision of the city or county under this chapter granting or denying [tentative or final] approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in properly presented cases.~~

~~2. No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any city, county or other governing body authorized by this chapter unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body.]~~ (Deleted by amendment.)

Sec. 24. ~~[NRS 278A.510, 278A.530, 278A.540, 278A.550 and 278A.560 are hereby repealed.]~~ (Deleted by amendment.)

Sec. 25. This act becomes effective on July 1, 2021.

~~LEADLINES OF REPEALED SECTIONS~~

~~278A.510 Minute order: Specification of time for filing application for final approval.~~

~~278A.530 Application for final approval; public hearing not required if substantial compliance with plan tentatively approved.~~

~~278A.540 What constitutes substantial compliance with plan tentatively approved.~~

~~278A.550 Plan not in substantial compliance: Alternative procedures; public hearing; final action.~~

~~278A.560 Action brought upon failure of city or county to grant or deny final approval.]~~

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 247 makes several changes to Senate Bill No. 138. It provides that a city or county may only exercise the powers granted relating to a planned-unit development if the county or city enacts an ordinance for a planned development that conforms to certain requirements. It clarifies that an offer to dedicate common open space must be accepted or rejected within 120 days. It replaces "may" with "must" regarding several standards for a planned-unit development established by ordinance and provides that certain standards apply unless the governing body provides otherwise in the ordinance. It provides that a city or county may approve a modification, removal or release of a plan without a public hearing upon application by a landowner if the plan does not include any residential development and the modification, removal or release does not propose to add new residential development. It also provides the city or county to determine that such modification, removal or release is minor in nature, as defined in the ordinance, it substantially complies with the plan, and does not require the vacation or abandonment of any street, public sidewalk, pedestrian right of way or drainage easement.

The amendment clarifies certain procedures if an ordinance requires both tentative and final approval of a plan for a planned-unit development. It also sets forth certain requirements for the grant or denial of tentative or final approval of a plan by minute action.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 463.

SUMMARY—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

AN ACT relating to criminal procedure; authorizing a victim to request that a ~~[prosecuting attorney seek]~~ court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring ~~[a prosecuting attorney]~~ the court to consider such a request; establishing provisions relating to the expiration and renewal of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring a copy of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons to be transmitted to ~~[certain law enforcement agencies;]~~ the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order may be punished for unlawful trespass and dealt with for contempt of court; revising the acts constituting unlawful trespass; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court under certain circumstances, before convicting and releasing a person, to impose reasonable conditions on the person as it deems necessary for certain purposes, including, without limitation, a condition that prohibits the person from contacting or attempting to contact a specific person or causing or attempting to cause another person

to contact that person. (NRS 178.484, 178.4851) ~~[This]~~ Section 1 of this bill: (1) authorizes a victim to request that a ~~[prosecuting attorney seek]~~ court issue an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the ~~[prosecuting attorney]~~ court to consider such a request; and (3) provides that an order imposing a condition of release that prohibits such contact or attempted contact, or a modification thereof, expires within 120 calendar days after the issuance of the order; (4) authorizes the court to renew the order for good cause shown; (5) requires a court to transmit to ~~[certain law enforcement agencies]~~ the Central Repository for Nevada Records of Criminal History a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact ~~[.]~~ ; and (6) provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact may be punished for unlawful trespass and dealt with as for contempt of court. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. (NRS 207.200) Section 3 of this bill extends the acts which constitute such unlawful conduct to include being on public or private property in violation of an order imposing a condition of release prohibiting contact.

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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a court makes a determination of bail concerning a person, a victim may request that a ~~[prosecuting attorney seek]~~ court issue an order imposing a condition of release prohibiting contact.

2. A ~~[prosecuting attorney]~~ court shall consider a request described in subsection 1.

3. An order imposing a condition of release prohibiting contact, and any modification thereof, expires within such time, not to exceed 120 calendar days, as the court fixes.

4. The court may, before the expiration of an order imposing a condition of release prohibiting contact and upon motion or at the discretion of the court, after notice and a hearing, renew the order for good cause shown.

5. After the court issues an order imposing, modifying, suspending or canceling a condition of release prohibiting contact, the court shall transmit, as soon as practicable, a copy of the order to ~~[all law enforcement agencies within the jurisdiction of the court.]~~ the Central Repository for Nevada Records of Criminal History.

~~[4.]~~ 6. A person who knowingly violates an order imposing a condition of release prohibiting contact may be:

(a) Punished for unlawful trespass pursuant to NRS 207.200; and

(b) Dealt with as for contempt of court.

7. Nothing in this section shall be construed to require a ~~[prosecuting attorney]~~ court to receive a request pursuant to subsection 1 before ~~[seeking]~~ issuing an order imposing a condition of release prohibiting contact.

~~[5.]~~ 8. As used in this section:

(a) "Cancel" includes, without limitation, any act that would effectively terminate a condition of release prohibiting contact, including, without limitation:

(1) The dismissal of the action or proceeding against the person;

(2) The conviction of the person; or

(3) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released before conviction pursuant to NRS 178.484 or 178.4851 that prohibits the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the person's behalf.

Sec. 2. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, *and section 1 of this act,* unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and

2. Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice.

Sec. 3. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; ~~[or]~~

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass ~~[,]~~ *; or*

(c) Is found on private or public property in violation of an order imposing a condition of release prohibiting contact issued pursuant to section 1 of this act,

➥ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections 2 and 4.

2. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) Painting with fluorescent orange paint:

(1) Not less than 50 square inches of a structure or natural object or the top 12 inches of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) Fencing the area;

(c) Posting "no trespassing" signs or other notice of like meaning at:

(1) Intervals of such a distance as is necessary to ensure that at least one such sign would be within the direct line of sight of a person standing next to another such sign, but at intervals of not more than 500 feet; and

(2) Each corner of the land, upon or near the boundary;

(d) Using the area as cultivated land; or

(e) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

3. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection 2 without lawful business with the owner or occupant of the property.

4. An entryman on land under the laws of the United States is an owner within the meaning of this section.

5. As used in this section:

(a) "Cultivated land" means land that has been cleared of its natural vegetation and is presently planted with a crop.

(b) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

(c) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 463 to Senate Bill No. 147 removes references to "a prosecuting attorney" from the bill, instead authorizing the victim to request a no-contact order from the court and stipulating that the court shall consider such a request. It adds a 120-calendar-day expiration date for such an order, or a modification thereof, and provides that the court may renew the order for good cause shown. It requires that a copy of such an order will be sent by the court to the Central Repository for Nevada Records of Criminal History rather than to law-enforcement entities. It revises current statute to provide that knowingly violating such an order constitutes an unlawful trespass which may be dealt with as contempt of court. Finally, it adds new language clarifying that nothing in the section prohibits the court from finding that violating a no-contact order constitutes contempt of court.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 150.

Bill read second time.

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

Amendment No. 164.

SUMMARY—Makes changes to provisions relating to housing. (BDR 22-221)

AN ACT relating to housing; ~~[setting forth certain requirements for a tiny house and a tiny house park;]~~ requiring the governing body of a city or county to authorize tiny houses in certain zoning districts; ~~[revising certain requirements for the issuance of receipts to tenants of manufactured home parks;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a governing body to divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out certain purposes. Within a zoning district, the governing body may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. (NRS 278.250) Section ~~[7]~~ 1 of this bill requires ~~[, with certain exception, a]~~ the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties) and the governing body of a city whose population is 150,000 or more (currently, the cities of Henderson, Las Vegas, North Las Vegas and Reno) to ~~[allow tiny houses in all zoning districts that allow single-family residences.]~~ designate: (1) at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit; (2) at least one zoning district in which a tiny house may be located and classified as a single-family residence; and (3) at least one zoning district in which a tiny house may be located in a tiny house park. Section ~~[7 further authorizes, with certain exception, a governing body to allow tiny houses in any]~~ 1 also requires the governing body of a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) and the governing body of a city whose population is less than 150,000 (currently all cities other than the cities of Henderson, Las Vegas, North Las Vegas and Reno) to designate: (1) at least one zoning district ~~[that does not allow single-family residences. Section 2 of this bill generally defines the term]~~ in which a tiny house may be located and classified as an accessory dwelling unit; (2) at least one zoning district in which a tiny house may be located and classified as a single-family residence; or (3) at least one zoning district in which a tiny house may be located in a tiny house park. Section 1 further: (1) authorizes the governing body of a county or city to set forth additional requirements for tiny houses and tiny house parks; and (2) requires the governing body of a county or city to define "tiny house" ~~[as a structure of a smaller square footage than what is normally permitted by zoning requirements for a single-family residence and is intended for year-round occupancy.~~

~~Section 3 of this bill sets forth certain building and inspection requirements for a tiny house.~~

~~— Section 4 of this bill requires the governing body of a city or county to adopt an ordinance authorizing tiny houses to be located in a tiny house park and sets forth certain requirements for tiny house parks.~~

~~— Existing law requires a landlord of a manufactured home park to issue a receipt to a tenant upon payment of rent as soon as practicable after payment but not later than 5 days after the landlord receives the payment. (NRS 118B.073) Section 8 of this bill: (1) authorizes a landlord to issue a receipt in a digital form with the tenant's consent; and (2) requires a landlord to immediately issue a receipt for a cash payment.]~~ in accordance with the definition adopted in the International Residential Code by the International Code Council or its successor organization.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2, 3 and 4 of this act.]~~ a new section to read as follows:

1. A governing body of a county whose population is 100,000 or more or a governing body of a city whose population is 150,000 or more shall adopt an ordinance for the zoning of tiny houses that:

(a) Designates at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit;

(b) Designates at least one zoning district in which a tiny house may be located and classified as a single-family residential unit; and

(c) Designates at least one zoning district in which a tiny house may be located in a tiny house park.

2. A governing body of a county whose population is less than 100,000 or a governing body of a city whose population is less than 150,000 shall adopt an ordinance for the zoning of tiny houses that:

(a) Designates at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit;

(b) Designates at least one zoning district in which a tiny house is allowed to be located and classified as a single-family residential unit; or

(c) Designates at least one zoning district in which a tiny house may be located in a tiny house park.

3. An ordinance adopted pursuant to subsection 1 or 2:

(a) May:

(1) Include any other requirements for tiny houses that the governing body determines is necessary; and

(2) Provide that a certificate of occupancy issued for a tiny house may limit the tiny house to use as a single-family residential unit or an accessory dwelling unit.

(b) Shall require that a tiny house that is:

(1) Located in:

(I) A zoning district designated pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2 is classified as an accessory

dwelling unit on any building permit or zoning approval issued for the tiny house;

(II) A zoning district designated pursuant to paragraph (b) of subsection 1 or paragraph (b) of subsection 2 is classified as a single-family residential unit on any building permit or zoning approval issued for the tiny house; and

(III) A zoning district designated pursuant to paragraph (c) of subsection 1 or paragraph (c) of subsection 2 is classified as a tiny house on any building permit or zoning approval issued within the tiny house park.

(2) Not built on a permanent foundation may only be issued a certificate of occupancy for the tiny house that is tied to the specific parcel of land of which the tiny house is located. If the tiny house is moved from that parcel, the owner of the tiny house must obtain a new certificate of occupancy.

4. An ordinance adopted pursuant to subsection 1 or 2 that allows for tiny houses to be located in tiny house parks must also establish requirements for tiny house parks, including, without limitation, requirements for:

(a) Community water and wastewater service;

(b) Adequate spacing between tiny houses in the tiny house park to allow for access for public safety services, including, without limitation, access for firefighting equipment and vehicles and utilities;

(c) Minimum size requirements for each space in the tiny house park for a tiny house;

(d) The minimum or maximum lot size of a tiny house park;

(e) Open space within the tiny house park; and

(f) Parking within the tiny house park.

5. An ordinance adopted pursuant to subsection 1 or 2 must define "tiny house" in accordance with the definition adopted in the International Residential Code by the International Code Council or its successor organization.

Sec. 2. ~~*[1. "Tiny house" means a structure that:*~~

~~*(a) Is built on a permanent foundation or a chassis that is suitable for transport on public highways in this State;*~~

~~*(b) Includes facilities for sleeping, eating, cooking and sanitation;*~~

~~*(c) Is of a smaller square footage than what is normally permitted by zoning requirements for a single-family residence; and*~~

~~*(d) Is intended for year-round occupancy.*~~

~~*2. The term does not include:*~~

~~*(a) A manufactured home, as defined in NRS 489.113;*~~

~~*(b) A mobile home, as defined in NRS 489.120; or*~~

~~*(c) A recreational park trailer, as defined in NRS 482.1005.]*~~ (Deleted by amendment.)

Sec. 3. ~~*[A tiny house must:*~~

~~*1. Meet all applicable requirements in the building code for a single family residence.*~~

~~*— 2. Be inspected and certified by a professional engineer licensed pursuant to chapter 625 of NRS. If a tiny house is on a chassis, the connection of the tiny house to the chassis must also be certified by a professional engineer licensed pursuant to chapter 625 of NRS.*~~

~~*— 3. Include a seal from a third-party inspection company authorized to certify tiny houses which indicates that the structure has passed inspection at specific stages of construction in compliance with the applicable safety, structure and energy efficiency standards. The seal must be permanently affixed to the tiny house.*~~ ~~*]*~~ (Deleted by amendment.)

Sec. 4. ~~*[A governing body shall adopt an ordinance allowing tiny houses to be located in a tiny house park. A tiny house park must:*~~

~~*— 1. Consist of four or more spaces for tiny houses in a group park setting, in which not more than one of the tiny houses may be occupied by the owner of the tiny house park;*~~

~~*— 2. Require that tiny houses in the tiny house park be adequately spaced to allow for access by firefighting equipment and vehicles;*~~

~~*— 3. Contain an overall lot size of at least 10,000 square feet; and*~~

~~*— 4. Provide individual or community water and wastewater service.]*~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 278.010 is hereby amended to read as follows:~~

~~— 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 6. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and* ~~*[sections 2, 3 and 4]*~~ *section 1 of this act* unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 7. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, *and* ~~*[sections 2, 3 and 4]*~~ *section 1 of this act*, the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ *, and section 1 of this act.* Within ~~*[, and sections 2, 3 and 4 of this act. Except as otherwise provided in subsection 3, within]*~~ the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods and, in counties whose population is 700,000 or more, the protection of historic neighborhoods.

(n) To promote systems which use solar or wind energy.

(o) To foster the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

3. The zoning regulations must ~~*[:*~~

~~*(a) Must]*~~ be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

~~*[(b) Except as otherwise provided in subsection 4:*~~

~~*(1) Must allow tiny houses in all zoning districts that allow single-family residences. If a zoning district authorizes accessory dwelling units:*~~

~~*(I) A tiny house in that zoning district may be required by the governing body to meet all standards and criteria for accessory dwelling units; and*~~

~~*(II) A person must not have a tiny house and an accessory dwelling unit on the same parcel.*~~

~~*(2) May allow tiny houses in any zoning district that does not otherwise allow single-family residences.]*~~

4. ~~*[The provisions of this subsection 3 do not abrogate a recorded restrictive covenant prohibiting tiny houses, nor do the provisions apply within the boundaries of a historic district established pursuant to chapter 384 of NRS.*~~

~~*5.]*~~ In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. ~~*[6.]*~~ As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 8. ~~[NRS 118B.073 is hereby amended to read as follows:~~

~~118B.073 Upon payment of the periodic rent by a tenant of a manufactured home park, the landlord of that park shall issue to the tenant a receipt which indicates the amount and the date of the payment [. The] *and which may be issued in a digital form if the tenant consents. Except as otherwise provided in this section, the* landlord shall issue the receipt as soon as practicable after payment, but not later than 5 days after the landlord receives payment. *If a tenant makes a cash payment, the landlord must immediately issue the receipt.]*~~ (Deleted by amendment.)

Sec. 9. This act becomes effective on January 1, 2024.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 164 to Senate Bill No. 150 deletes the original provisions of the bill. It requires the governing body of a county whose population is 100,000 or more, currently Clark and Washoe Counties, and the governing body of a city whose population is 150,000 or more, currently Henderson, Las Vegas, North Las Vegas and Reno, to designate zoning districts in which a tiny house may be located, as follows: at least one zoning district in which a tiny house may be located and classified as an accessory dwelling unit; at least one zoning district in which a tiny house may be located and classified as a single-family residence, and at least one zoning district in which a tiny house may be located in a tiny house park.

The amendment requires the governing body of a county whose population is less than 100,000 and the governing body of a city whose population is less than 150,000, i.e., all other counties and cities in Nevada, to designate at least one of these zoning districts in which a tiny house may be located. It requires the governing body of a county or city to define tiny house in

accordance with the International Residential Code. It also authorizes the governing body of a county or city to set forth additional requirements for tiny houses and tiny-house parks.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 433.

SUMMARY—Revises provisions relating to education. (BDR 34-185)

AN ACT relating to education; requiring the State Board of Education to provide a uniform grading scale for certain courses; revising provisions governing dual credit courses; requiring the board of trustees of a school district and the governing body of a charter school to submit a report regarding such courses to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that provide a uniform grading scale for all public high schools, including, without limitation, a grading scale for advanced placement courses and honors courses. (NRS 389.007) Section 1 of this bill requires such regulations to include a uniform grading scale for dual credit courses and international baccalaureate courses and to assign the same weight to such courses as that assigned to advanced placement courses if the dual credit course or international baccalaureate course is in a core academic subject or a subject for which an advanced placement course is offered.

Existing law establishes provisions relating to dual credit courses. (NRS 389.300, 389.310) Under existing law, the board of trustees of a school district or the governing body of a charter school must establish an application for enrollment in a dual credit course. A pupil enrolled in high school who wishes to enroll in a dual credit course must use this application. Such a pupil may only enroll in a dual credit course if his or her application is approved and he or she has completed the prerequisites for the course. (NRS 389.300) Section 5 of this bill eliminates those requirements.

Existing law requires a school district or 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. Existing law sets forth various requirements that must be included in the cooperative agreement. (NRS 389.310) Section ~~[1]~~ 1.5 of this bill removes provisions relating to cooperative agreements to offer dual credit courses and instead requires a school district or charter school to establish a program for dual credit. Section ~~[1]~~ 1.5 also requires the board of trustees of each school district and the governing body of each charter school to biennially submit a report on its program for dual credit to the Director of the Legislative Counsel

Bureau and the Legislative Committee on Education that ~~[includes,]~~ may include, without limitation, certain information on the: (1) pupils enrolled in the program; (2) costs associated with the program; and (3) teachers employed by the school district or charter school who are involved in the program. Section 1.5 requires the Department of Education, in consultation with the Board of Regents of the University of Nevada, school districts and charter schools, to adopt regulations prescribing the contents of the report.

Section 2 of this bill requires the Legislative Committee on Education to hold a meeting on dual credit courses in the 2021-2022 interim.

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

Section 1. NRS 389.007 is hereby amended to read as follows:

389.007 1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for *dual credit courses, international baccalaureate courses,* advanced placement courses and honors courses. *The regulations adopted pursuant to this section must assign the same weight to dual credit courses and international baccalaureate courses as the weight assigned to advanced placement courses if the dual credit course or international baccalaureate course is a core academic subject designated pursuant to NRS 389.018 or a subject for which an advanced placement course is offered.*

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

~~[Section 1.]~~ *Sec. 1.5.* NRS 389.310 is hereby amended to read as follows:

389.310 1. Each school district and charter school shall ~~[enter into cooperative agreements with one or more community colleges, state colleges and universities to offer]~~ *establish a program for* dual credit ~~[courses to]~~ *, or partner with another school district or charter school that has already established a program for dual credit, whereby* 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]~~ *may enroll in a dual credit course at a community college, state college or university that has been approved for dual credit pursuant to NRS 389.160. 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.~~]

2. On or before December 1 of each odd-numbered year, the board of trustees of each school district and the governing body of each charter school shall submit a report on its program for dual credit established pursuant to subsection 1 to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The Department, in consultation with the Board of Regents of the University of Nevada, school districts and charter schools, shall adopt regulations prescribing the information the report must include. The report ~~[must]~~ *may include, without limitation:*

(a) The number of pupils enrolled in the program;

(b) A list of the courses in which ~~[a pupil may enroll;]~~ *pupils enroll;*

(c) The number of pupils enrolled in each course;

(d) The demographics of the pupils enrolled in the program, including, without limitation, race, ethnicity, gender identity or expression, grade level

and eligibility for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq.;

~~*[(e) The number of pupils who have been awarded an associate's degree or higher before earning a high school diploma as a result of participating in the program;*~~

~~*(f)]*~~ *(e) The cost to the school district or charter school for establishing and maintaining the program;*

~~*[(g)]*~~ *(f) The cost to pupils for participating in the program* ~~*[;*~~

~~*(h) Any measures taken by the board of trustees of the school district or the governing body of the charter school to mitigate the cost to pupils for participating in the program;]*~~ *; and*

~~*[(i)]*~~ *(g) The number of teachers employed by the school district or charter school who serve as the teacher of record for a dual credit course.*

Sec. 2. The Legislative Committee on Education shall hold a meeting during the 2021-2022 interim relating to dual credit courses. The Committee shall:

1. Review the reports required to be submitted pursuant to section ~~[1]~~ 1.5 of this act; and

2. Hear presentations from relevant stakeholders on information related to the reports required to be submitted pursuant to section ~~[1]~~ 1.5 of this act and on any recommendations for legislation.

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. 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. 5. NRS 389.300 is hereby repealed.

Sec. 6. 1. This ~~[act becomes]~~ section and sections 2 to 5, inclusive, of this act become effective upon passage and approval.

2. Section 1.5 of this act becomes 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.

3. Section 1 of this act becomes 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.

TEXT OF REPEALED SECTION

389.300 Application to enroll in dual credit course; approval or disapproval of application; prerequisites for dual credit course to be completed before enrollment in course.

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, as applicable. The superintendent or his or her designee or the administrator of a charter school, 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 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, 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.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 433 to Senate Bill No. 172 includes dual-credit and international-baccalaureate courses in the list of courses the State Board of Education must provide a uniform grading scale for and requires the Board to assign the same weight to such courses as that assigned to advanced placement courses, in certain circumstances. It allows school districts and charter schools to partner with other districts that have existing dual-credit programs. It revises the reporting and data-collection requirements to include guidance by various educational stakeholders and information that may, rather than must, be included in the reporting information.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 355.

SUMMARY—Revises provisions relating to civil actions involving certain sexual offenses. ~~[against minors.]~~ (BDR 2-577)

AN ACT relating to civil actions; revising provisions relating to civil actions involving certain sexual offenses ; ~~[against minors;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a civil action to recover damages for sexual abuse that occurred when the plaintiff was less than 18 years of age must be commenced within 20 years after either of the following occurs, whichever is later: (1) the plaintiff reaches 18 years of age; or (2) the plaintiff discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse. (NRS 11.215) Existing law also provides that a civil action to recover damages for injuries suffered by a victim of pornography involving minors must be commenced within 20 years after either of the following occurs, whichever is later: (1) the court enters a verdict in a related criminal case; or (2) the victim reaches the age of 18 years. (NRS 11.215) Section 1 of this bill eliminates the statute of limitations for a civil action to recover damages for: (1) sexual abuse or exploitation if the sexual abuse or exploitation occurred when the plaintiff was less than 18 years of age; and (2) injuries suffered by a victim of pornography involving minors.

Existing law provides that a criminal conviction of a defendant for the injury alleged in a civil action is conclusive evidence of all facts necessary to impose civil liability on the defendant. (NRS 41.133) Section 2 of this bill provides that if a plaintiff is the victim of sexual abuse or exploitation, a person has been convicted of a crime arising out of such sexual abuse or exploitation and the plaintiff commences a civil action against a person other than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person sexually abused or exploited the plaintiff. Section 2 also provides that a person is liable to a plaintiff for damages if the person ~~[: (1) employed, supervised or had responsibility for the person convicted of the crime; (2) owned or controlled the property upon which the sexual abuse or exploitation occurred; (3) knew or should have known of the sexual abuse or exploitation by the person convicted of the crime; and (4) allowed the sexual abuse or exploitation to occur.]~~ knowingly benefits from a venture that the person knew or should have known has engaged in sexual abuse or exploitation of another person. Finally, section 2 provides that if a person who is liable to a plaintiff knowingly participated in and gained a benefit from or covered up the sexual abuse or exploitation of the plaintiff, the person is liable for treble damages. The statute of limitations for bringing a civil action pursuant to section 2 is set forth in section 1.

Section 3 of this bill makes conforming changes by removing references to the statutes of limitations that were eliminated by this bill.

Section 4 of this bill provides that the changes in this bill apply retroactively to any act constituting sexual abuse or exploitation , ~~[or]~~ any act relating to pornography and a minor and any act described in section 2 for which a person would be liable even if the statute of limitations that was in effect at the time

of the act has expired, which means that a civil action that would otherwise be time-barred by the former statute of limitations is revived by this bill.

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

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. ~~[Except as otherwise provided in subsection 2 and NRS 217.007, an]~~ *An* action to recover damages for an injury to a person arising from the sexual abuse *or exploitation* of the plaintiff which occurred when the plaintiff was less than 18 years of age ~~[must]~~ *may* be commenced ~~[within 20 years after the plaintiff:~~

~~(a) Reaches 18 years of age; or~~

~~(b) Discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse,~~

~~➥ whichever occurs later.]~~ *at any time after the sexual abuse or exploitation occurred. In such an action, if the alleged injury to the plaintiff is the result of a series of two or more acts constituting sexual abuse or exploitation, the plaintiff is not required to identify which specific act in the series of acts caused the alleged injury.*

2. An action to recover damages pursuant to NRS 41.1396 ~~[must]~~ *may* be commenced ~~[within 20 years after the occurrence of the following, whichever is later:~~

~~(a) The court enters a verdict in a related criminal case; or~~

~~(b) The]~~ *at any time after the* victim reaches the age of 18 years.

3. *Unless the provisions of subsection 1 apply, an action to recover damages pursuant to section 2 of this act must be commenced within 30 years after:*

(a) The sexual abuse or exploitation occurred; or

(b) The plaintiff discovers or reasonably should have discovered that his or her injury was caused by sexual abuse or exploitation,

➥ whichever occurs later.

4. As used in this section, "sexual ~~[abuse" has the meaning ascribed to it]~~ *abuse or exploitation" means unwanted sexual contact and includes, without limitation, sexual abuse as defined* in NRS 432B.100 ~~[.]~~ *and sexual exploitation as defined in NRS 432B.110.* ~~*[As used in this subsection, "sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of another person or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh or buttocks of any person, with an intent to abuse, humiliate or degrade any person or to arouse or gratify the sexual desire of any person.]*~~

Sec. 2. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a plaintiff is the victim of sexual abuse or exploitation, a person has been convicted of a crime arising out of such sexual abuse or exploitation of the plaintiff and the plaintiff commences a civil action against a person other

than the person convicted of the crime, then the judgment of conviction of the person convicted of the crime is conclusive evidence in the civil action that the person convicted of the crime sexually abused or exploited the plaintiff.

2. A person is liable to a plaintiff for damages if the person ~~[:~~

~~(a) Employed, supervised or had responsibility for the person convicted of the crime;~~

~~(b) Owned or controlled the property upon which the sexual abuse or exploitation occurred;~~

~~(c) Knew or should have known of the sexual abuse or exploitation by the person convicted of the crime; and~~

~~(d) Allowed the sexual abuse or exploitation to occur.]~~ knowingly benefits, financially or by receiving anything of value, from participation in a venture which that person knew or should have known has engaged in sexual abuse or exploitation of another person.

3. A person who is liable to a plaintiff under subsection 2 and who knowingly participated in and gained a benefit from or covered up the sexual abuse or exploitation of the plaintiff is liable to the plaintiff for treble damages.

4. For the purposes of this section, a hotel, motel or other establishment with more than 200 rooms available for sleeping accommodations for the public shall be deemed not to benefit, or to have gained a benefit, from the rental of a room.

5. As used in this section:

(a) "Convicted" has the meaning ascribed to it in NRS 41B.070.

(b) "Cover up" means a concerted effort to hide evidence relating to sexual abuse or exploitation.

(c) "Sexual abuse or exploitation" has the meaning ascribed to it in NRS 11.215.

Sec. 3. NRS 217.007 is hereby amended to read as follows:

217.007 1. A victim may commence any action specified in NRS 11.190 ~~[, 11.215]~~ or 207.470 which arises from the commission of a felony, against the person who committed the felony within 5 years after the time the person who committed the felony becomes legally entitled to receive proceeds for any contribution to any material that is based upon or substantially related to the felony which was perpetrated against the victim.

2. If the limitation period established in NRS 11.190 ~~[, 11.215]~~ or 207.520 has otherwise expired, the liability of the person committing the felony to a victim imposed under this section must be limited to the value of the proceeds received by the person who committed the felony for any contribution to material that is based upon or substantially related to the felony which was perpetrated against the victim.

3. For purposes of this section:

(a) "Material" means a book, magazine or newspaper article, movie, film, videotape, sound recording, interview or appearance on a television or radio station and live presentations of any kind.

(b) "Proceeds" includes money, royalties, real property and any other consideration.

(c) "Victim" means any person:

(1) Against whom a crime has been committed;

(2) Who has been injured or killed as a direct result of the commission of a crime; or

(3) Who is the surviving spouse, a parent or a child of such a person.

Sec. 4. 1. The amendatory provisions of this act apply retroactively to any act constituting sexual abuse or exploitation and any act for which a person is liable under NRS 41.1396 or section 2 of this act that occurred before the effective date of this act, regardless of any statute of limitations that was in effect at the time the act constituting sexual abuse or exploitation or act for which a person is liable under NRS 41.1396 or section 2 of this act occurred, including, without limitation, any civil action that would have been barred by the statute of limitations that was in effect before the effective date of this act.

2. As used in this section, "sexual abuse or exploitation" has the meaning ascribed to it in NRS 11.215, as amended by this act.

Sec. 5. This act becomes effective upon passage and approval.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 355 to Senate Bill No. 203 deletes the definition of "sexual contact" from subsection 3 of section 1 of the bill. It replaces subsection 2 of section 2 with federal statute providing that an individual who is a victim of sexual abuse or exploitation may bring a civil action against the perpetrator, or whoever knowingly benefits financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter, and may recover damages and reasonable attorneys' fees. The mere rental of a hotel room shall not constitute proof of a benefit in any establishment having 200 or more rooms. The amendment amends subsection 3 of section 2 to provide that a person who is liable to a plaintiff under subsection 2 and who knowingly participated, gained a benefit from or covered up the sexual abuse or exploitation of the plaintiff is liable to the plaintiff for treble damages. It further amends subsection 3 of section 2 by adding the following new language: the mere rental of a hotel room shall not constitute proof of a benefit in any establishment having 200 or more rooms. Finally, it adds new language providing a 30-year statute of limitations on the liability created in section 2.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 254.

Bill read second time.

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

Amendment No. 248.

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-38)

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights

Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to seeking an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; providing that discriminating on the basis of source of income constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission. (NRS 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodation. (NRS 233.150) Existing law also sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

Section 21 of this bill authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. Section 23 of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. Section 24 of this bill requires the Commission to serve upon an aggrieved person certain information.

Section 14 of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have the matter determined by a court, prepare and prosecute the complaint in a public hearing before the Commission. If the Commission, based on a preponderance of the evidence presented at the hearing, determines that an unlawful discriminatory practice in housing has occurred, the Commission may issue an order to cease and desist, order appropriate injunctive or other equitable relief, award actual damages, impose civil penalties and award costs and attorney's fees. Section 27 of this bill makes a conforming change to eliminate the requirement for the Commission to hold an informal meeting of the parties.

Section 15 of this bill provides for the determination of the complaint by a court instead of the Commission. Section 16 of this bill establishes procedures for the judicial review of a final decision of the Commission. Sections 2-13 and 18 of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. Sections 24-26 and 28 make changes to existing provisions to use these terms.

Section 29 of this bill provides that the provisions of chapter 233 of NRS for judicial review of decisions of the Commission concerning unlawful discriminatory practice in housing prevail over the provisions of the Administrative Procedure Act.

Section 22 of this bill authorizes the Commission to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law.

Section 33 of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling , or renting or leasing a dwelling, from: (1) inquiring into the arrest record, conviction record or record of criminal history of an applicant or tenant; (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; ~~[and]~~ (3) making, printing or publishing any notice or advertisement which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant ~~[.]~~ ; and (4) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. Section 33 provides that a person may inquire into or conduct a background check into the arrest record, conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. Section 33 also requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding these unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Commission. Section 33 exempts from these provisions: (1) persons who inquire or ~~[run]~~ conduct a background check on an applicant pursuant to the requirements of federal or state law; (2) persons who check the statewide registry of sex offenders and offenders convicted of a crime against a child; ~~[and]~~ (3) persons who ~~[occupy or own a dwelling and]~~ make available for rent ~~[a room or unit in the]~~ or lease not more than four individual dwelling ~~[while maintaining and occupying one of the living quarters as his or her own residence.]~~ units; (4) any action taken to determine whether an applicant for a rental with a week to week tenancy has any outstanding felony warrants pending against him or her; and (5) the rental or lease of a manufactured home.

Section 33.5 of this bill prohibits discrimination in housing on the basis of source of income and defines "source of income" as money, assistance or

benefits derived from a federal law intended to provide assistance during the COVID-19 pandemic.

Sections 31, 32 and 34-44 of this bill amend the Nevada Fair Housing Law to conform to federal law. Section 36 of this bill revises the definition of "disability" to exclude any current illegal use of or addiction to a controlled substance. Sections 37 and 38 of this bill revise the definitions of "dwelling" and "person." Sections 31 and 32 define the terms "aggrieved person" and "unlawful discriminatory practice in housing."

Section 39 of this bill revises the prohibited practices which constitute an unlawful discriminatory practice in housing in Nevada. Section 39 prohibits discrimination in real estate related transactions. Section 39 also sets forth certain exceptions to the application of its provisions.

Section 40 of this bill prohibits a person from refusing: (1) to allow a person with a disability to make reasonable modifications to a dwelling which may be necessary to afford the person with a disability full enjoyment of the dwelling, if the person with the disability pays for the modifications; or (2) to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.

Section 41 of this bill revises accessibility requirements relating to the design and construction of a covered multifamily dwelling. Section 42 of this bill revises provisions prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a service animal.

Sections 43 and 44 of this bill revise provisions governing civil actions to enforce certain provisions relating to discrimination in housing.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *"Administrator" means the Administrator of the Commission.*

Sec. 3. *"Aggrieved person" has the meaning ascribed to it in section 31 of this act.*

Sec. 4. *"Commission" means the Nevada Equal Rights Commission.*

Sec. 5. *1. "Complainant" means a person by whom, or on whose behalf, a complaint is made which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

2. As used in this section, "person" includes the Commission.

Sec. 6. *"Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.*

Sec. 7. *"Disability" has the meaning ascribed to it in NRS 118.045.*

Sec. 8. *"Familial status" has the meaning ascribed to it in NRS 118.065.*

Sec. 9. *"Gender identity or expression" has the meaning ascribed to it in NRS 118.075.*

Sec. 10. *"Member" means a member of the Commission.*

Sec. 11. *"Respondent" means a natural person or other person against whom is made a complaint which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

Sec. 12. *"Sexual orientation" has the meaning ascribed to it in NRS 118.093.*

Sec. 13. *"Unlawful discriminatory practice in housing" has the meaning ascribed to it in section 32 of this act.*

Sec. 14. *1. When a complaint is filed whose allegations if true would support a finding of an unlawful discriminatory practice in housing:*

(a) The Commission shall, to the extent practicable throughout the complaint process, engage in conciliation with respect to the complaint. If an agreement is reached with regard to the matters alleged in the complaint, no further action may be taken by the complainant or the Commission with regard to the matters alleged in the complaint.

(b) Each conciliation agreement between a complainant and a respondent must be approved by the Commission. The Commission may reject any conciliation agreement that it determines is not in the public interest. A conciliation agreement may provide for binding arbitration of the matters alleged in the complaint and for the awarding of any appropriate relief in the arbitration, including, without limitation, monetary relief.

(c) The Commission shall make a conciliation agreement public unless the complainant and the respondent agree that it not be made public and the Commission determines that public disclosure of the agreement would not further the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections 31 ~~[and 32]~~ to 33.5, inclusive, of this act.

2. The Commission shall, at the conclusion of the investigation required by NRS 233.157, prepare a final investigative report containing:

(a) The name of and the date of contact with each witness;

(b) A summary and the dates of correspondence and other contact with the complainant and the respondent;

(c) A summary description of other pertinent records;

(d) A summary of witness statements; and

(e) Answers to interrogatories.

➥ *The Commission may amend the final investigative report if additional evidence is discovered.*

3. If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is not probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Administrator shall dismiss the complaint and notify the complainant and the respondent.

4. If, at the conclusion of the investigation required by NRS 233.157, the Administrator determines that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed:

(a) The Attorney General shall prepare a notice of hearing which complies with the requirements of NRS 233B.121 and serve a copy of the notice upon the complainant, the aggrieved person and the respondent, together with notice of the right to elect, in lieu of the hearing, to have the matter determined in a civil action in a court of competent jurisdiction pursuant to section 15 of this act.

(b) Any aggrieved person may intervene as a party in the proceeding.

5. Unless an election is made to have the matter determined in a court of competent jurisdiction pursuant to section 15 of this act, the Commission shall hold a public hearing on the matter in conformance with the requirements of chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121 and NRS 233B.124 do not apply to the hearing. The Attorney General shall prepare and prosecute the complaint on behalf of the complainant.

6. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has occurred, the Commission shall serve a copy of its findings of fact and conclusions of law upon the complainant, the aggrieved persons and the respondent within 10 days after such a finding and may:

(a) Order the respondent to cease and desist from the unlawful practice;

(b) Order such injunctive or other equitable relief as may be appropriate;

(c) Award actual damages to the complainant;

(d) Impose upon the respondent:

(1) Except as otherwise provided in this paragraph, a civil penalty of not more than $16,000;

(2) If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 31 ~~[and 32]~~ to 33.5, inclusive, of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than $37,500; or

(3) If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 31 ~~[and 32]~~ to 33.5, inclusive, of this act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than $65,000; and

(e) Award costs and reasonable attorneys' fees to the complainant.

7. If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has not occurred, the Commission:

(a) Shall dismiss the matter and make the dismissal public; and

(b) May, upon motion of the respondent, award costs and reasonable attorney's fees to the respondent if the Commission determines that the complaint, had it been filed with a court, would have violated and been grounds for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.

8. Any resolution of a complaint before a final order of the Commission following a hearing held pursuant to subsection 5 must, to the extent practicable, be agreed to by the aggrieved person.

9. If the respondent fails to comply with a final order of the Commission, the Commission shall apply to the district court for an order compelling compliance. If the court finds that the respondent has violated the order by failing to cease and desist from the unlawful practice, failing to make any payment ordered or otherwise failing to comply with the order, the court shall award the aggrieved person actual damages caused by the noncompliance.

10. 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.

Sec. 15. *1. If, pursuant to subsection 4 of section 14 of this act, the Administrator has determined that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed, the complainant, the aggrieved person or the respondent may, in lieu of a hearing before the Commission pursuant to section 14 of this act, elect to have the claims of an unlawful discriminatory practice in housing that were set forth in the complaint decided by a court of competent jurisdiction.*

2. The election must be made in writing and be received by the Commission not later than 20 days after the date on which the notice was served as required by subsection 4 of section 14 of this act.

3. The Attorney General shall, if requested by the complainant or the aggrieved person, prepare, file and litigate a civil action on behalf of the complainant or the aggrieved person.

4. Any aggrieved person, with respect to the issues to be determined in the civil action, may intervene as a matter of right in the civil action.

5. If the court, based on a preponderance of the evidence, determines that the defendant has committed or is about to commit an unlawful discriminatory practice in housing, the court may:

(a) Award actual and punitive damages to the complainant or the aggrieved person, except that the court may not award monetary damages to an aggrieved person who does not intervene if that aggrieved person has not complied with discovery orders entered by the court;

(b) Award costs and reasonable attorney's fees to the complainant or the aggrieved person; and

(c) Order such other relief as the court determines appropriate, including, without limitation:

(1) Ordering a permanent or temporary injunction;

(2) Issuing a temporary restraining order; or

(3) Enjoining the defendant from engaging in the unlawful practice or ordering such other affirmative action as the court determines appropriate.

6. If the court, based on a preponderance of the evidence, determines that the defendant has not committed and is not about to commit an unlawful

discriminatory practice in housing, the court shall dismiss the action and may, upon the motion of the defendant, award costs and reasonable attorney's fees to the defendant if the court determines that the complaint was prosecuted in violation of Rule 11 of the Nevada Rules of Civil Procedure.

7. The Commission shall notify the complainant, all aggrieved persons and the respondent of the court's decision in any action filed pursuant to this section.

Sec. 16. *1. An order of the Commission issued pursuant to section 14 of this act in a complaint alleging an unlawful discriminatory practice in housing is a final decision in a contested case for the purpose of judicial review.*

2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful discriminatory practice in housing who is aggrieved by a final decision of the Commission may request judicial review.

3. A petition for judicial review must:

(a) Name as respondents the Commission and all parties of record to the hearing;

(b) Be instituted by filing the petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county in which the hearing occurred; and

(c) Be filed within 30 days after service of the final decision of the Commission.

4. A cross-petition for judicial review must be filed within 10 days after service of a petition for judicial review.

5. The Commission and any party wishing 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 petitioner and each named respondent within 20 days after service of the petition.

6. The petition for judicial review and any cross-petition for judicial review must be served upon the Commission and each party of record within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

7. The Commission shall, within 30 days after receipt of service of the petition for judicial review or such time as allowed by the court, transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, 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 proceeding. If the court determines that a party has unreasonably refused to stipulate to limit the record, the court may assess any additional costs resulting from the refusal against that party. The court may require or permit subsequent corrections or additions to the record.

8. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the

court may order that the additional evidence and any rebuttal evidence be taken before the Commission upon such conditions as the court determines appropriate. After receipt of any additional evidence, the Commission:

(a) May modify its findings and decision; and

(b) Shall file the evidence and any modification, new finding or decision with the court.

9. A petitioner or cross-petitioner who is seeking judicial review shall serve and file a memorandum of points and authorities within 40 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.

10. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.

11. The petitioner or cross-petitioner may serve and file a reply memoranda of points and authorities within 30 days after service of the reply memorandum.

12. Within 7 days after the expiration of the period within which the petitioner is required to reply, any party may request a hearing. Unless a request for a hearing has been filed, the matter shall be deemed submitted.

13. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

14. The court, for good cause, may extend the times allowed in this section for filing memoranda.

15. 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.

16. 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 party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 17.

17. The court shall not substitute its judgment for that of the Commission as to the weight of evidence on a question of fact. The court may remand or affirm the final decision 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 any constitutional or statutory provision;

(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.

18. A petitioner who applies for a stay of the final decision of the Commission shall file and serve a written motion for the stay on the Commission and all parties of record to the proceeding at the time of filing the petition for judicial review. The petitioner must provide security before the court may issue a stay.

19. In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.

20. In making a ruling, the court shall:

(a) Give deference to the Commission; and

(b) Consider the risk to the public, if any, of staying the decision of the Commission.

21. An aggrieved party may obtain a review of any final judgment of the district court by appeal to the Nevada Supreme Court. The appeal may be taken as in other civil cases.

Sec. 17. 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, *familial status,* 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,]~~ *religion,* 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,]~~ *religion,* color, age, sex, disability, sexual orientation, gender identity or expression ~~[,]~~ *or* national origin . ~~[or ancestry.]~~

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. 18. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter ~~[:~~

~~1. "Administrator" means the Administrator of the Commission.~~

~~2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~

~~3. "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.~~

~~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. "Member" means a member of the Nevada Equal Rights Commission.~~

~~6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.~~] *, unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections*.

Sec. 19. NRS 233.085 is hereby amended to read as follows:

233.085 The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150 ~~[, 233.160, 233.165 and 233.170.]~~ *and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this act.*

Sec. 20. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, *color,* religion, sex, sexual orientation, gender identity or expression, age, disability , *familial status* or ~~[nationality.]~~ *national origin.*

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, ~~[creed,]~~ *religion,* sex, sexual orientation, gender identity or expression, age, disability, *familial status or* national origin , ~~[or ancestry,]~~ and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

Sec. 21. 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,]~~ *religion,* sex, age, disability, *familial status,* 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,]~~ *religion,* sex, age, disability, *familial status,* sexual orientation, gender identity or expression ~~[,]~~ *or* 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,]~~ *religion,* sex, age, disability, *familial status,* sexual orientation, gender identity or expression ~~[,]~~ *or* 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.

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. *Initiate a complaint against an unlawful discriminatory practice in housing.*

6. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 22. NRS 233.153 is hereby amended to read as follows:

233.153 1. The Commission ~~[shall not]~~ *may* contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency . ~~[unless the~~

~~Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.]~~

2. As used in this section:

(a) "Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

(b) "Memorandum of understanding" means the memorandum of understanding described in 24 C.F.R. § ~~[115.210.]~~ *115.205*.

Sec. 23. NRS 233.157 is hereby amended to read as follows:

233.157 *1.* The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter.

2. The Commission shall adopt regulations setting forth the manner in which the Commission will process ~~[any such]~~ *a* complaint ~~[and]~~ *received pursuant to subsection 1*.

3. If a complaint alleges an unlawful discriminatory practice in employment or public accommodations, the Commission shall determine whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint.

4. If a complaint alleges an unlawful discriminatory practice in housing, the Commission shall investigate the complaint and shall, to the extent practicable, engage in conciliation with respect to the complaint.

Sec. 24. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

➥ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the ~~[party against whom an unlawful discriminatory practice is alleged:]~~ *respondent:*

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~[that party;]~~ *the respondent;* and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time during which a person may apply to the district court for relief pursuant to NRS 613.430.

5. If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice pursuant to NRS 613.412.

6. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on:

(a) Except as otherwise provided in paragraph (b), the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

7. If a person files a complaint pursuant to paragraph (a) of subsection 1 which alleges an unlawful discriminatory practice in housing:

(a) The Commission shall, not later than 10 days after receiving the complaint:

(1) Serve upon the aggrieved person:

(I) Notice that the complaint was filed with the Commission;

(II) A copy of the procedures of the Commission;

(III) The information set forth in sections 14 and 15 of this act; and

(IV) Information relating to the state and federal administrative bodies and courts with which the aggrieved person may file the complaint.

(2) Send to the respondent the information set forth in subsection 3.

(b) The respondent may file with the Commission an answer to the complaint not later than 10 days after the respondent receives the information set forth in subsection 3.

(c) A person who is not named as a respondent but who is identified as a respondent in the course of the investigation may be joined as an additional or substitute respondent upon written notice from the Commission to that person.

Sec. 25. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~[If the Commission determines to conduct]~~ *In conducting* an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission ~~[must:]~~ *shall:*

(a) Begin ~~[an]~~ *the* investigation of the complaint within 30 days after it receives the complaint.

(b) Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.

(c) Make a final disposition of the complaint within 1 year after the date it receives the complaint unless it is impracticable to do so.

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~[person against whom the complaint was filed]~~ *respondent* a statement setting forth its reasons for not completing the investigation or making a final disposition of the complaint within that period.

Sec. 26. 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 *an* unlawful practice ~~[, the]~~ *in employment or public accommodations:*

(a) 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.]~~ *(b)* 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. 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]~~ *respondent* 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.]~~ *(c)* If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter ~~[. After]~~ *in accordance with the requirements of chapter 233B of NRS.*

2. If, after the hearing ~~[, if]~~ *held pursuant to paragraph (c) of subsection 1,* the Commission determines that an unlawful practice has occurred, ~~[it may:]~~ *the Commission:*

(a) ~~[Serve]~~ *Shall serve* a copy of its findings of fact within 10 calendar days upon any ~~[person]~~ *respondent* found to have engaged in the unlawful practice; and

(b) ~~[Order]~~ *May order* the ~~[person]~~ *respondents* to:

(1) Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~[person]~~ *respondent* 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,]~~ *3,* 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]~~ *respondent* 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]~~ *respondent* 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]~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $15,000.

~~[4.]~~ *3.* For the purposes of subparagraph (2) of paragraph (b) of subsection ~~[3,]~~ *2,* 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.]~~ *2.*

~~[5.]~~ *4.* Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~[3,]~~ *2,* the Commission must allow the ~~[person]~~ *respondent* 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.]~~ *2.* If the ~~[person]~~ *respondent* takes such corrective action, the Commission shall not impose the civil penalty.

~~[6.]~~ *5.* The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the ~~[person]~~ *respondent* 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]~~ *respondent* 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.]~~ *6.* 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.]~~ *7.* 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.

Sec. 27. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the practice will cause immediate and irreparable harm to any person aggrieved by the practice, the Commission, ~~[after the informal meeting and]~~ before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 28. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act,* any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. Except as otherwise provided in subsection 5, the Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the ~~[party against whom the unlawful discriminatory practice is alleged]~~ *respondent* or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the ~~[party against whom the unlawful discriminatory practice is alleged]~~ *respondent* if:

(a) Each has consented to such disclosure; or

(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the ~~[party against whom the unlawful discriminatory practice is alleged:]~~ *respondent.*

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.

(b) Any investigative notes or reports made by the Commission.

(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

6. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act,* if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 29. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) *Chapter 233 of NRS for the judicial review of decisions of the Nevada Equal Rights Commission concerning an unlawful discriminatory practice in housing;*

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

~~[(d)]~~ *(e)* NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 30. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 ~~[, 32 and 33]~~ *to 33.5, inclusive,* of this act.

Sec. 31. *"Aggrieved person" means any person who:*

1. Claims to have been injured by an unlawful discriminatory practice in housing; or

2. Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.

Sec. 32. *"Unlawful discriminatory practice in housing" means a practice prohibited by NRS 118.100 and ~~[section]~~ sections 33 and 33.5 of this act.*

Sec. 33. *1. Except as otherwise provided in ~~[subsection]~~ subsections 2 ~~[.]~~ and 3, it is an unlawful discriminatory practice for any person to:*

(a) Inquire into or ~~[run]~~ conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant or tenant;

(b) Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because of any arrest record, conviction record or record of criminal history; ~~[and]~~

(c) Make, print or publish, or cause to be made printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination, on the basis of an applicant's record, conviction record or record of criminal history ~~[.]~~ ; and

(d) Evict a tenant on the basis of an arrest record, conviction record or record of criminal history for a misdemeanor offense unless the misdemeanor offense occurred on the premises of the dwelling that is being rented or leased to the tenant.

2. A person may inquire into or conduct a background check to determine whether an applicant has an arrest record, conviction record or record of criminal history that includes:

(a) First degree arson pursuant to NRS 205.010, or the equivalent offense in another jurisdiction;

(b) At least two instances of second, third or fourth degree arson pursuant to NRS 205.015, 205.020 or 205.025, or the equivalent offense in another jurisdiction, within the immediately preceding year.

(c) A violent or sexual offense as defined in NRS 202.876, or the equivalent offense in another jurisdiction; and

(d) If the rental or lease is being made available by a public housing authority and the public housing authority has adopted a policy to use such offenses as a basis for denying the rental or lease in the public housing and has made a list of the offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a permissive prohibition, other than drug-related criminal offenses related to cannabis from another jurisdiction, if such offense would not be a criminal offense in this State.

~~➥~~ A person who inquires into or conducts a background check in accordance this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the basis of an arrest record, conviction record or record of criminal history for the offenses set forth in this subsection.

3. A person who makes a dwelling available for rent or lease and who is subject to this provisions of this section shall provide to each applicant information on:

(a) The provisions of this section and NRS 118.110 and 118.120;

(b) How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a public housing authority; and

(c) How the applicant may file a complaint with the Commission pursuant to NRS 233.160 if the applicant believes that his or her application was denied on the basis of an unlawful discriminatory practice.

4. The provisions of this section ~~[do]~~ apply to the rental or lease, including, without limitation, a rental with a week to week tenancy, of any dwelling in:

(a) Public or private housing or a premises which a person makes available for rent or lease that contains not less than five individual dwelling units; and

(b) Public or private housing or a premises made available for rent or lease by a person who own or holds any interest in, title to or any right to any portion of the proceeds from the rental of more than five single-family houses or multi-family houses.

(c) Do not apply to:

~~[(a)]~~ (1) Any actions taken by a person pursuant to any federal or state law or regulation that requires the person to inquire into or ~~[run]~~ conduct a background check to determine the arrest record, conviction record or criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.

~~[(b)]~~ (2) Any actions taken by a person to review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.

~~[(c)]~~ (3) The rental of a room or unit in a dwelling by ~~[an occupant of the dwelling or the owner of the dwelling in which the occupant or the owner maintains and occupies one of the living quarters as his or her residence.]~~ a

person who makes available for rent or lease not more than four individual dwelling rooms or units.

(4) Any action taken by a person who makes available for rent a dwelling for tenancy on a week to week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.

(5) The rental or lease of a manufactured home.

~~*[3.]*~~ *5. As used in this section:*

(a) "Applicant" means a person who:

(1) Seeks information about, visits or applies to rent or lease a dwelling;

(2) Applies for a housing rental assistance program, including, without limitation, the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; or

(3) Seeks to be added to an existing lease for a dwelling.

(b) "Arrest record" means any information indicating that a person has been apprehended, detained, taken into custody, held for investigation or restrained by a law enforcement department of military authority due to an accusation or suspicion that a person committed a crime. The term includes pending criminal charges where an accusation has not resulted in a final judgment, acquittal, conviction, plea, dismissal or withdrawal.

(c) "Background check" means any report regarding the arrest record, conviction record or record of criminal history of a person intended to obtain the person's record of criminal history.

(d) "Conviction record" means any information regarding a final adjudication or other criminal disposition adverse to a person. The term includes, without limitation, dispositions for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.

(e) "Dwelling" means:

(1) Public housing as that term is defined in NRS 315.021;

(2) Any housing or premises that are rented or leased to a tenant pursuant to a contract with a housing authority as those terms are defined in NRS 315.021; or

(3) Any housing or premises which accepts rental payments of vouchers from a federal, state or local housing voucher program . ~~[;~~

~~*(4) Any public or private housing or premises which a person makes available for rent or lease that contains not less than five individual dwelling units; and*~~

~~*(5) Any public or private housing or premises made available for rent or lease by a person who own or holds any interest in, title to or any right to any portion of the proceeds from the rental of more than five single family houses or multi family houses.]*~~

(f) "Record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 33.5. 1. A person shall not, based on source of income, discriminate against any person in the terms, conditions or privileges in the sale or rental of a dwelling or the equal enjoyment of a dwelling.

2. A violation of subsection 1 shall be deemed an unlawful discriminatory practice in housing for the purposes of NRS 118.010 to 118.120, inclusive, and sections 31 to 33.5, inclusive, of this act.

3. The provisions of this section do not prohibit a person who makes available a dwelling for sale or rent from taking into consideration the sufficiency or sustainability of the income or credit rating of an applicant or prospective buyer in a commercially reasonable manner.

4. An aggrieved person who is injured pursuant to this section may file a complaint with the Commission in the manner prescribed in NRS 233.160.

5. As used in this section, "source of income" means any source of money, housing assistance or benefits paid to or on behalf of a person as a result of a federal law passed for the purposes of providing relief for the COVID-19 pandemic.

Sec. 34. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, ~~[religious creed,]~~ color, national origin, *religion,* disability, sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status or sex.

2. Nothing in ~~[this chapter]~~ *NRS 118.010 to 118.120, inclusive, and sections 31 ~~[, 32 and 33]~~ to 33.5, inclusive, of this act* shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 35. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, *and sections 31 ~~[, 32 and 33]~~ to 33.5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, *and sections 31 and 32 of this act* have the meanings ascribed to them in those sections.

Sec. 36. NRS 118.045 is hereby amended to read as follows:

118.045 *1.* "Disability" means, with respect to a person:

~~[1.]~~ *(a)* A physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~[2.]~~ *(b)* A record of such an impairment; or

~~[3.]~~ *(c)* Being regarded as having such an impairment.

2. The term does not include any current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802(6).

Sec. 37. NRS 118.060 is hereby amended to read as follows:

118.060 ~~[1.]~~ "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for

the construction or location thereon of any such building, structure or portion thereof.

~~[2. "Dwelling" does not include:~~

~~(a) A single-family house sold or rented by an owner if:~~

~~(1) The owner does not own more than three single-family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single-family houses at any one time; and~~

~~(2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12 month period participated:~~

~~(1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~(2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~3. The sale of a single-family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of "dwelling" unless there is more than one such sale within any 24-month period.]~~

Sec. 38. NRS 118.080 is hereby amended to read as follows:

118.080 "Person" includes ~~[the]~~ *:*

1. One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;

2. The State of Nevada *;* and ~~[all]~~

3. All political subdivisions and agencies ~~[thereof.]~~ *of the State.*

Sec. 39. NRS 118.100 is hereby amended to read as follows:

118.100 ~~[A]~~

1. Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~[religious creed,]~~ color, *religion,* national origin, ~~[disability,]~~ sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status , ~~[or]~~ sex ~~[:]~~ *or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by*

the provisions of NRS 118.010 to 118.120, inclusive, and sections 31 ~~[, 32 and 33]~~ to 33.5, inclusive, of this act:

~~[1.]~~ *(a)* Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~[2.]~~ *(b)* Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

~~[3.]~~ *(c)* Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this subsection, "dwelling" includes a house, room or unit described in ~~[subsection 2 or 3 of NRS 118.060.]~~ *paragraphs (a) and (b) of subsection 5*.

~~[4.]~~ *(d)* Represent to any person because of race, ~~[religious creed,]~~ color, *religion,* national origin, disability, sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status or sex that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

~~[5.]~~ *(e)* For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, ~~[religious creed,]~~ *religion,* color, national origin, disability, sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status or sex.

~~[6. Coerce,]~~

(f) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

2. A person shall not discriminate against any person in making available a residential real estate related transaction, or in the terms or conditions of such a transaction.

3. A person shall not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having *exercised or enjoyed or* aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in ~~[this chapter.]~~ *NRS 118.010 to 118.120, inclusive, and sections 31 ~~[, 32 and 33]~~ to 33.5, inclusive, of this act.*

4. The provisions of this section:

(a) Do not prohibit a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, religion, sex, national origin, sexual orientation, gender identity or expression, familial status or disability in performing an appraisal.

(b) Do not prohibit a religious organization, association or society, or a nonprofit institution or organization operated, supervised or controlled by or

in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preferences to such persons, unless membership in the religion is restricted on account of race, color or national origin.

(c) Do not prohibit a private club which is not open to the public and which, as an incident to its primary purposes, provides lodgings that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of those lodgings to its members or from giving preference to its members.

(d) With regard to the prohibition against discrimination based on familial status, do not apply to housing for older persons.

5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or subsection 2, 3 or 6, the provisions of this section do not apply to:

(a) A single-family house sold or rented by a private individual owner if:

(1) The private individual owner does not own more than three single-family houses;

(2) The private individual owner does not own any interest in, and there is not owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to any portion of the proceeds from the sale or rental of more than three single-family houses; and

(3) The house is sold or rented:

(I) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman licensed under chapter 645 of NRS, other person in the business of selling or renting dwellings or the employee or agent of such a real estate broker, agent or salesman or other person; and

(II) Without the publication, posting or mailing of any advertisement or written notice in violation of paragraph (c) of subsection 1.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner maintains and occupies one of the living quarters as his or her residence.

6. In the event of the sale of a single-family house by a private individual owner who does not reside in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption from the provisions of this section set forth in paragraph (a) of subsection 5 applies only with respect to one such sale within any 24-month period.

7. The provisions of this section do not prohibit the use by any person of such attorneys, escrow agents, commissioned abstracters, title companies or other professional assistance as necessary to perfect or transfer title to real property.

8. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(a) Has, within the immediately preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(b) Has, within the immediately preceding 12 months, participated as an agent, other than in the sale of his or her own residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(c) Is the owner of any dwelling occupied by, or designed or intended for occupancy by, five or more families.

9. As used in this section, unless the context otherwise requires:

(a) "Housing for older persons" means housing that is:

(1) Provided under any state or federal program which the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons;

(2) Intended for and occupied solely by persons who are 62 years of age or older; or

(3) Intended and operated for occupancy by persons who are 55 years of age or older and:

(I) At least 80 percent of the occupied units are occupied by at least one person who is 55 years or older; and

(II) Applicable rules for verification of occupancy are complied with.

(b) "Residential real estate related transaction" means:

(1) The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;

(2) The making or purchasing of loans or providing other financial assistance secured by residential real estate; or

(3) The selling, brokering or appraising of residential real estate.

Sec. 40. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to ~~[:~~

~~(a) Authorize]~~ *authorize* a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

~~[(1)]~~ *(a)* The person with the disability pays for the modifications; and

~~[(2)]~~ *(b)* The modifications ~~[are]~~ *may be* necessary to ~~[ensure that]~~ *afford* the person with the disability ~~[may use and enjoy]~~ *the full enjoyment of* the dwelling . ~~[; or~~

~~(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.]~~

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the *interior of the* dwelling to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of security the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount of security in addition to the amount the landlord usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is *collected over a reasonable period and* deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

6. As used in this section, "security" has the meaning ascribed to it in NRS 118A.240.

Sec. 41. NRS 118.103 is hereby amended to read as follows:

118.103 1. A covered multifamily dwelling which is designed and constructed for occupancy on or after ~~[March 13, 1991,]~~ *October 1, 2021,* must be constructed in such a manner that the *primary entrance to the* dwelling ~~[contains at least one entrance which]~~ is accessible to a person with a disability unless it is impracticable to so design or construct the dwelling because of the terrain or unusual characteristics of the site upon which it is constructed.

2. ~~[A]~~ *Such a* covered multifamily dwelling ~~[which contains at least one entrance which is accessible to a person with a disability]~~ must be constructed in such a manner that:

(a) The ~~[common]~~ areas of the dwelling *intended for public use or common use* are readily accessible to and usable by a person with a disability;

(b) The doors of the dwelling are sufficiently wide to allow a person with a disability to enter and exit in a wheelchair;

(c) The units of the dwelling contain:

(1) An accessible route into and through the dwelling;

(2) Reinforcements in the bathroom walls so that bars for use by a person with a disability may be installed therein; and

(3) Kitchens and bathrooms *which are usable by a person in a wheelchair and* in which *such* a person ~~[in a wheelchair]~~ may maneuver; and

(d) The light switches, electrical outlets, thermostats or any other environmental controls in the units of the dwelling are placed in such a manner that they are accessible to a person in a wheelchair.

3. As used in this section, "covered multifamily dwelling" means:

(a) A building which consists of four or more units and contains at least one elevator; ~~[or]~~ *and*

(b) The units located on the ground floor of any other building which consists of four or more units.

Sec. 42. NRS 118.105 is hereby amended to read as follows:

118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ *A* landlord ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~[an]~~ *a service* animal *which affords the person an equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling . ~~[if the animal assists, supports or provides service to the person with a disability.]~~

2. ~~[A landlord may require proof that an animal assists, supports or provides service to the person with a disability. This requirement may be satisfied, without limitation, by a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability.]~~ *As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.*

Sec. 43. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person ~~[who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by such a practice that is about to occur]~~ may file a complaint with the Commission in the manner prescribed in NRS 233.160 ~~[.]~~ *and avail himself or herself of the rights and remedies set forth in NRS 233.165 and sections 14, 15 and 16 of this act.*

Sec. 44. NRS 118.120 is hereby amended to read as follows:

118.120 ~~[Any]~~

1. Except as otherwise provided in subsection 2, an aggrieved person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 *and ~~[section 33]~~ sections 31 to 33.5, inclusive, of this act* not ~~[less]~~ *more* than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.

2. The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.

3. An aggrieved person may commence a civil action under this section regardless of whether the person has filed a complaint under NRS 118.110, unless the person has entered into a conciliation agreement concerning the complaint or the Commission has commenced a hearing pursuant to section 14 of this act with respect to the matters alleged in the complaint.

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, 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 October 1, 2021, for all other purposes.

3. Section 33.5 of this act expires by limitation on June 30, 2022.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 248 makes several changes to Senate Bill No. 254. It prohibits evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense unless the offense occurred on the premises of the dwelling. It provides that a person may inquire into or conduct a background check into the arrest record, conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses, including certain arson or violent or sexual offenses, on his or her record and may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record.

The amendment requires a person who makes a dwelling available for rent or lease to provide applicants with information regarding unlawful discriminatory practices and information on how to file an appeal of a denial to rent or lease or file a complaint with the Nevada Equal Rights Commission. It exempts persons who make available for rent or lease not more than four individual dwelling units and exempts the rental or lease of a manufactured home. It also exempts any action taken to determine whether an applicant for a rental with a week-to-week tenancy has any outstanding felony warrants pending. Finally, it prohibits discrimination in housing on the basis of source of income and defines source of income as money, assistance or benefits derived from a federal law intended to provide assistance during the COVID-19 pandemic.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 279.

SUMMARY—Establishes provisions relating to the collection and reporting of information concerning diversity and equality in the workplace. (BDR ~~[7-461)]~~ 19-461)

AN ACT relating to workplace diversity; requiring the Department of Taxation to develop in consultation with the Legislative Commission a survey to collect data and information concerning diversity and equality in the workplace ~~[; requiring]~~ from corporations and state and local governmental agencies in this State; authorizing corporations in this State ~~[that employ 500 or more people]~~ to use the survey to submit annual reports to the Department ~~[; requiring such a corporation that has an Internet website]~~ of Taxation and to make ~~[its]~~ such reports available on ~~[the website;]~~ their Internet websites; requiring local governmental agencies to use the survey to submit annual reports to the Department of Taxation; requiring state governmental agencies to use the survey to submit annual reports to the Division of Human Resource Management of the Department of Administration; requiring the Department of Taxation to make the survey, the annual reports submitted to the Department

of Taxation and aggregate data relating to such reports available on its Internet website; requiring the Division to make the annual reports submitted to the Division and aggregate data relating to such reports available on its Internet website; requiring the Department of Taxation and the Division to each submit an annual report to the Governor and the Director of the Legislative Counsel Bureau and make ~~[the report]~~ such reports available on ~~[its]~~ their Internet ~~[website;]~~ websites; authorizing the Department of Taxation and the Division to adopt regulations; ~~[requiring the Nevada Commission on Minority Affairs and the Nevada Commission for Women to assist the Department in developing the survey;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to design and conduct an annual survey of businesses in this State to collect data and information pertaining to issues of gender equality in the workplace, however, the provisions relating to the survey are currently only effective through December 31, 2022. (NRS 75A.400-75A.430; section 7 of chapter 434, Statutes of Nevada 2017, at page 2896) This bill establishes provisions concerning an annual survey of corporations and state and local governmental agencies in this State ~~[that employ 500 or more people]~~ with regard to issues of diversity and equality in the workplace.

Section 6 of this bill requires the Department of Taxation to develop, in consultation with the ~~[Nevada]~~ Legislative Commission , ~~[for Women and the Nevada Commission on Minority Affairs,]~~ a survey to be used to collect data and information relating to issues of diversity and equality in the workplace from corporations and state and local governmental agencies in this State. Section 6 sets forth the information to be provided in the survey and requires the survey to be signed by an officer of the corporation or his or her designee ~~[under penalty of perjury.]~~ , or the director, executive head or other person who is responsible for the state or local governmental agency or his or her designee, as applicable, who is authorized to complete the survey on behalf of the corporation or state or local governmental agency.

Section 7 of this bill ~~[requires]~~ : (1) authorizes corporations to use the survey developed by the Department to submit an annual report to the Department ~~[. Section 7 also requires a]~~ and, if the corporation ~~[that]~~ has an Internet website , to make the annual reports available on the website, with any personally identifiable information redacted ~~[.]~~ ; and (2) requires local governmental agencies to use the survey developed by the Department to submit an annual report to the Department.

Section 8 of this bill requires the Department to make available on its Internet website: (1) the survey developed by the Department; (2) the annual reports submitted by corporations ~~[,]~~ and local governmental agencies; and (3) aggregate data relating to the annual reports. Section 8 requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Department. Section 9 of this bill requires the Department to

compile annually the information contained in the reports submitted to the Department into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. ~~[Section 13 of this bill makes a conforming change to exclude the information redacted from reports in sections 8 and 9 from the provisions relating to public records.]~~ Section 10 of this bill authorizes the Department to adopt regulations to carry out the provisions of sections ~~[2-9]~~ 6-9 of this bill.

~~[Sections 11 and 12 of this bill, respectively, require the Nevada Commission on Minority Affairs and the Nevada Commission for Women to assist the Department in developing the survey required pursuant to section 6.]~~

Section 10.2 of this bill requires state governmental agencies to use the survey developed by the Department to submit an annual report to the Division of Human Resource Management of the Department of Administration. Section 10.4 requires the Division to make available on its Internet website: (1) the annual reports submitted by state governmental agencies; and (2) aggregate data relating to the annual reports. Section 10.4 requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Division. Section 10.6 of this bill requires the Division to compile annually the information contained in the reports submitted to the Division into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. Section 10.8 of this bill authorizes the Division to adopt regulations to carry out the provisions of sections 10.2-10.6 of this bill.

Section 13 of this bill makes a conforming change to exclude the information redacted from reports in sections 8, 9, 10.4 and 10.6 from the provisions of existing law relating to public records.

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

Section 1. ~~[Title 7]~~ Chapter 237 of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections 2 to ~~[10,]~~ 10.8, inclusive, of this act.

Sec. 2. *As used in sections 2 to ~~[10,]~~ 10.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 ~~[, 4 and 5]~~ to 5.7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Corporation" means a corporation that maintains a place of business in this State . ~~[and that employs 500 or more people.]~~*

Sec. 4. *"Department" means the Department of Taxation.*

Sec. 4.5. "Division" means the Division of Human Resource Management of the Department of Administration.

Sec. 5. ~~[*"Female" or "woman" means a person who self-identifies her gender as a woman, without regard to the person's designated sex at birth.]~~ (Deleted by amendment.)

Sec. 5.3. *"Local governmental agency" has the meaning ascribed to it in NRS 242.061.*

Sec. 5.7. *"State governmental agency" has the meaning ascribed to "state agency" in NRS 237.350 and includes, without limitation, the Nevada System of Higher Education and all institutions operated by the Nevada System of Higher Education.*

Sec. 6. *1. The Department shall develop , in consultation with the Legislative Commission, a survey for the purpose of collecting data and information ~~[from corporations in this State]~~ concerning diversity and equality in the workplace, including, without limitation, data and information specifically relating to females and persons from underrepresented communities ~~[.]~~ , from:*

(a) Corporations;

(b) State governmental agencies; and

(c) Local governmental agencies.

2. The survey developed pursuant to subsection 1 must request ~~[a corporation]~~ the entity completing the survey to provide, without limitation, the following information ~~[:]~~ , as applicable to the entity:

(a) The name of the ~~[corporation.]~~ entity.

(b) The number of employees of the ~~[corporation]~~ entity who are:

(1) Located in this State.

(2) Women located in this State.

(3) Women of color located in this State.

(c) ~~[If the corporation is publicly traded, the]~~ The number of people in the ~~[corporation]~~ entity who are:

(1) ~~[On]~~ If the entity is a corporation:

(I) On the board of directors.

(II) Employed in an executive position.

(III) Women who are employed in an executive position.

(IV) Women of color who are employed in an executive position.

(2) Women.

(3) Women of color.

(d) The number of:

(1) People who are employed in a management position.

(2) Women who are employed in a management position.

(3) Women of color who are employed in a management position.

(e) ~~[The number of:~~

~~(1) People who are employed in an executive position.~~

~~(2) Women who are employed in an executive position.~~

~~(3) Women of color who are employed in an executive position.~~

~~(f)]~~ Whether the ~~[corporation]~~ entity has employee development initiatives in place for administrative or skilled staff who are interested in advancing their career path, including, without limitation, tuition reimbursement, professional development, payment for conferences, business interest groups or a public commitment to gender inclusion.

~~[(g)]~~ (f) Whether the ~~[corporation]~~ entity has undertaken a pay equity analysis and, if so, whether the results indicated that there were any discernable differences in pay.

~~[(h)]~~ (g) With regard to the 20 highest-paid people in the ~~[corporation]~~ entity as determined by salary, bonuses and any other incentives , such as stock options, the number of those people who are:

(1) Women.

(2) Women of color.

~~[(i)]~~ (h) With regard to the hiring practices of the ~~[corporation,]~~ entity, whether the ~~[corporation:]~~ entity:

(1) Participates in diversity job fairs.

(2) Has a diverse hiring committee.

(3) Assesses the skill sets of candidates without regard to gender.

(4) Uses gender-neutral job descriptions.

~~[(j)]~~ (i) With regard to the issue of anti-harassment, including, without limitation, sexual harassment, whether the ~~[corporation:]~~ entity:

(1) Has an anti-harassment policy in place.

(2) Offers formal anti-harassment training.

~~[(k)]~~ (j) With regard to cultural training, whether the ~~[corporation]~~ entity provides training relating to diversity and inclusion and, if so, whether such training includes specific training regarding:

(1) Implicit bias.

(2) Unconscious bias.

(3) Microaggressions.

(4) Fostering an inclusive environment.

(5) Improving engagement.

~~[(l)]~~ (k) With regard to female-friendly workplace policies and benefits:

(1) Whether the ~~[corporation]~~ entity offers:

(I) Employer-paid family leave and, if so, the number of weeks offered.

(II) Variable work schedules for caregivers.

(III) Options to work from home.

(IV) On-site child care, off-site child care or employer-paid child care subsidies.

(2) Whether there are any policies and benefits the ~~[corporation]~~ entity is currently pursuing but has not yet implemented and, if so, a list of such policies and benefits.

~~[(m)]~~ (l) With regard to health care, whether the ~~[corporation's]~~ entity's policies cover:

(1) Birth control.

(2) Maternity.

(3) In vitro fertilization.

~~[(n)]~~ (m) The number and types of positions within the entity that are currently vacant.

(n) The rate of attrition within the entity.

(o) Any additional information that the ~~[corporation]~~ entity wishes to provide.

~~[2.]~~ 3. The survey must include a statement signed by an officer of the corporation or his or her designee, ~~[under penalty of perjury, that the information provided in the survey is true, correct and complete to the best of his or her knowledge and belief, that the person acknowledges it is a category C felony under NRS 239.330 to knowingly offer any false or forged instrument for filing and]~~ or the director, executive head or other person who is responsible for the state governmental agency or local governmental agency or his or her designee, as applicable, that the person is authorized to complete the survey on behalf of the ~~[corporation.~~

~~3. The Department shall work in consultation with the Nevada Commission on Minority Affairs created by NRS 232.852 and the Nevada Commission for Women created by NRS 233I.020 when developing the survey pursuant to this section.]~~ entity.

4. As used in this section:

(a) "Executive position" means a position in which a person is employed as a vice president, senior vice president or executive vice president or in a role that is superior to such positions.

(b) "Female" or "woman" means a person who self-identifies her gender as a woman, without regard to the person's designated sex at birth.

(c) "Management position" means a position in which a person is employed as a manager or in a role that is superior to a manager.

~~[(c)]~~ (d) "Pay equity analysis" means a formal study regarding equity in salaries.

~~[(d)]~~ (e) "Person from an underrepresented community" means a person who self-identifies as Black, African-American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian or Alaska Native, or who self-identifies as gay, lesbian, bisexual or transgender.

Sec. 7. *~~[1.]~~ On or before January 1, 2022, and on or before January 1 of each year thereafter, ~~[every corporation shall submit a report to the Department]~~ using the survey developed by the Department pursuant to section 6 of this act ~~[.]~~ :*

1. A corporation:

(a) May voluntarily submit a report to the Department; and

~~[2.]~~ (b) If ~~[a]~~ the corporation has an Internet website, ~~[the corporation shall]~~ may make available on its website ~~[the]~~ any reports submitted to the Department pursuant to this section, but any personally identifiable information contained in a report must be redacted before the report is posted on the website.

2. Each local governmental agency in this State shall submit a report to the Department.

Sec. 8. *1. The Department shall make available on its Internet website:*

(a) The survey developed pursuant to section 6 of this act that ~~[corporations must use]~~ will be used to submit the annual ~~[report]~~ reports authorized or required , as applicable, pursuant to section 7 or 10.2 of this act;

(b) The reports submitted to the Department pursuant to section 7 of this act in such a manner that the reports may be searched electronically by the name of the corporation or local governmental agency that submitted the report; and

(c) Aggregate data relating to the reports submitted to the Department pursuant to section 7 of this act.

2. Any personally identifiable information contained in a report that is submitted to the Department pursuant to section 7 of this act must be redacted before the report or aggregate data relating to the report is posted on the website of the Department pursuant to this section.

Sec. 9. *1. The Department shall compile annually the information contained in the reports submitted to the Department from corporations and local governmental agencies pursuant to section 7 of this act during the immediately preceding year into one report and:*

(a) 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; and

(b) Make the report available on the Internet website of the Department.

2. The Department shall not include any personally identifiable information in a report submitted to the Governor and the Director of the Legislative Counsel Bureau pursuant to this section.

Sec. 10. *The Department may adopt such regulations as is determined to be necessary or advisable to carry out the provisions of sections ~~[2]~~ 6 to 9, inclusive of this act.*

Sec. 10.2. On or before January 1, 2022, and on or before January 1 of each year thereafter, using the survey developed by the Department pursuant to section 6 of this act, each state governmental agency in this State shall submit a report to the Division.

Sec. 10.4. 1. The Division shall make available on its Internet website:

(a) The reports submitted to the Division pursuant to section 10.2 of this act in such a manner that the reports may be searched electronically by the name of the state governmental agency that submitted the report; and

(b) Aggregate data relating to the reports submitted to the Division pursuant to section 10.2 of this act.

2. Any personally identifiable information contained in a report that is submitted to the Division pursuant to section 10.2 of this act must be redacted before the report or aggregate data relating to the report is posted on the website of the Division pursuant to this section.

Sec. 10.6. 1. The Division shall compile annually the information contained in the reports submitted to the Division from state governmental agencies pursuant to section 10.2 of this act during the immediately preceding year into one report and:

(a) 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; and

(b) Make the report available on the Internet website of the Division.

2. The Division shall not include any personally identifiable information in a report submitted to the Governor and the Director of the Legislative Counsel Bureau pursuant to this section.

Sec. 10.8. *The Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 10.2, 10.4 and 10.6 of this act.*

Sec. 11. ~~[NRS 232.860 is hereby amended to read as follows:~~

~~232.860 The Commission shall, within the limits of available money:~~

~~1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;~~

~~2. Collect and disseminate information on activities, programs and essential services available to minorities in the State of Nevada;~~

~~3. Study the:~~

~~(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;~~

~~(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and~~

~~(c) Availability of affordable housing, as defined in NRS 278.0105, for minorities;~~

~~4. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:~~

~~(a) The laws of this State that prohibit discriminatory practices; and~~

~~(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;~~

~~5. *Assist the Department of Taxation in developing the survey required pursuant to section 6 of this act;*~~

~~6. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;~~

~~[6.] *7.* Advise the Governor on matters relating to minorities and of concern to minorities; and~~

~~[7.] *8.* Recommend proposed legislation to the Governor.]~~ (Deleted by amendment.)

Sec. 12. ~~[NRS 233I.060 is hereby amended to read as follows:~~

~~233I.060 1. The Commission shall study the changing and developing roles of women in society, including, without limitation, the recognition of socioeconomic factors that influence the status of women, and recommend proposed legislation.~~

~~2. The Commission shall assist the Secretary of State in developing the survey of businesses in this State described in NRS 75A.410.~~

~~3. *The Commission shall assist the Department of Taxation in developing the survey required pursuant to section 6 of this act.*~~

~~4. The Commission may:~~

~~(a) Collect and disseminate information on activities, programs and essential services available to women in Nevada.~~

~~(b) Advise executive and legislative bodies on the effect of proposed legislation on women.~~

~~(c) Inform the news media, educators, governmental officers, professional, business and labor leaders and other persons in positions of authority or influence about issues pertaining to women.~~

~~(d) Provide referrals and serve as a resource for information on issues pertaining to women.~~

~~(e) Identify and recommend qualified women for positions in all levels of government.~~

~~(f) Promote and facilitate collaboration among commissions and organizations for women at the local, state and national levels.~~

~~(g) Recognize and promote the contributions that women in this State make at the local, state and national levels.~~

~~(h) Enter into any contract or other agreement appropriate to carry out the provisions of this chapter, subject to the prior approval of the Director of the Department of Administration.~~

~~(i) Prepare an annual work program outlining the objectives and tasks of the Commission for the year.]~~ (Deleted by amendment.)

Sec. 13. 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 sections 8* , ~~*[and]*~~ *9* , *10.4 and 10.6 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. 14. 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. 15. The Department of Taxation shall develop and make available on its Internet website the survey required by section 6 of this act before October 1, 2021.

Sec. 15.5. 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. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[15,]~~ 15.5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations, developing the survey required by section 6 of this act 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 Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 279 to Senate Bill No. 267 removes the requirement that corporations which employ 500 or more employees must complete the report and, instead, allows corporations of any size to voluntarily complete the report and authorizes, rather than requires, a corporation to make results available on its website. The amendment also adds questions concerning the number and types of vacancies that occur at these entities as well as on attrition rates. It expands the applicability of the bill to State and local governmental entities including, without limitation, the Nevada System of Higher Education (NSHE) and all NSHE institutions. The amendment requires such governmental agencies to complete the survey. It provides that entities participating voluntarily or by requirement would submit their completed surveys to the Department of Taxation (DOT). The report prepared by DOT would include only information regarding corporations and local governmental agencies.

The amendment requires State governmental agencies to submit completed reports to the Division of Human Resource Management of the Department of Administration to be made available on its Internet website. Any personal identifying information is to be redacted from these reports. The Division is required to compile this information annually and submit it in a report to the Governor and the Director of LCB.

Amendment No. 279 deletes provisions of the bill imposing any penalties, including for perjury. It also deletes provisions requiring DOT to consult with the Nevada Commission for Women and the Nevada Commission on Minority Affairs when developing the survey and, instead, provides that the Department must develop the survey in consultation with the Legislative Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 274.

Bill read second time.

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

Amendment No. 262.

SUMMARY—Revises provisions relating to commercially sexually exploited children. (BDR 38-705)

AN ACT relating to child welfare; providing for the licensure of receiving centers for commercially sexually exploited children and the certification of certain other facilities and entities that provide services to such children; imposing certain requirements concerning the operation of a receiving center; ~~[prescribing the procedure for the emergency admission or court ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or secured child care facility; establishing financial responsibility for the treatment of a child who is so admitted;]~~ revising the actions that an agency which provides child welfare services is required to take in response to a report of the commercial sexual exploitation of a child; delaying the effective date of provisions prohibiting the adjudication of a child as delinquent or the assignment of a child to a detention facility in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "commercially sexually exploited child" to mean any child who is sex trafficked, sexually abused or sexually exploited for the financial benefit of any person or in exchange for anything of value. (NRS 432C.060) Section ~~[10]~~ 1.2 of this bill defines the term "receiving center" to mean a secured facility that operates 24 hours each day, 7 days each week to provide specialized inpatient and outpatient services to commercially sexually exploited children. ~~[Sections 8, 9 and 11 of this bill define certain other terms, and section 28]~~ Section 1.8 of this bill makes a conforming change to indicate the placement of ~~[sections 8-11]~~ sections 1.1, 1.15 and 1.2 of this bill in the Nevada Revised Statutes. Sections ~~[1,]~~ 1.9, 3 and 4 of this bill provide that a receiving center is not a group foster home, child care facility or child care institution for the purposes of the requirements of existing law. Section ~~[12]~~ 1.3 of this bill requires a person or entity to apply to the Division of Child and Family Services of the Department of Health and Human Services in order to obtain a license to operate a receiving center. Section ~~[12]~~ 1.3 also requires the Division to adopt regulations governing receiving centers. Section ~~[13]~~ 1.4 of this bill requires a receiving center to provide or make available certain services for commercially sexually exploited children.

Existing law requires certain facilities or homes which occasionally or regularly have physical custody of children pursuant to the order of a court and each agency which provides child welfare services to treat each child in all respects in accordance with the child's gender identity or expression. Existing law also requires the Division to adopt regulations to ensure that each child in the custody of such a facility, home or agency is placed in a manner that is appropriate for the gender identity or expression of the child. (NRS 62B.212, 63.425, 432A.1759, 432B.172, 433B.325) Section ~~[15]~~ 1.5 of this bill extends these provisions to apply to receiving centers. Sections 1.5, 5, 6, ~~[15,]~~ 31, 32 and 34 of this bill require the Division to consult with certain persons,

including, without limitation lesbian, gay, bisexual, transgender and questioning children who currently reside in or have resided in receiving centers when adopting regulations to ensure that each child is placed in a manner that is appropriate for the gender identity or expression of the child. Section ~~[16]~~ 1.6 of this bill authorizes the Division to require the certification of facilities or organizations, other than receiving centers, that provide services to commercially sexually exploited children. Section ~~[17]~~ 1.7 of this bill makes it a misdemeanor to operate: (1) a receiving center without a license; or (2) a facility or other entity for which a certificate is required without such a certificate. Section ~~[17]~~ 1.7 also authorizes the Division to bring an action for an injunction to prevent any person or entity from operating a receiving center without a license or a facility or other entity for which a certificate is required without such a certificate.

~~[Existing law provides for the emergency admission and court-ordered admission of children with an emotional disturbance and persons in a mental health crisis to a mental health facility. (NRS 432B.607-432B.6085, 433A.145-433A.197) Section 14 of this bill authorizes the admission of a child who is alleged to be a commercially sexually exploited child to a receiving center for inpatient treatment only under emergency admission or court-ordered admission. Section 14 also authorizes a receiving center to accept referrals from certain persons and entities for outpatient treatment. Sections 18-27 of this bill prescribe procedures governing emergency admission and court-ordered admission to a receiving center or secured child care facility. Section 18 of this bill requires the Division to prescribe forms for emergency admission and a petition for court-ordered admission. Sections 18 and 33 of this bill provide for the confidentiality of forms and proceedings relating to emergency admission and court-ordered admission.~~

~~Sections 19 and 20 of this bill provide for a child alleged to be a commercially sexually exploited child who is in imminent danger to be detained under an emergency admission to a receiving center or secured child care facility. Section 19 requires a child admitted under emergency admission to be released within 24 hours after the child is detained unless a petition for court-ordered admission is filed within that time. If this period expires on a day on which the office of the court clerk is closed, the child must be released unless a petition for court-ordered admission is filed before the close of the business day next following the expiration of the 24-hour period. Section 20 authorizes an officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services who has reasonable cause to believe that a child is a commercially sexually exploited child and is in imminent danger to: (1) take the child into custody without a warrant; and (2) transport the child to a receiving center or secured child care facility for emergency admission.~~

~~Section 21 of this bill authorizes the parent or guardian of a child, a law enforcement officer, an agency which provides child welfare services or a person in charge of a receiving center or secured child care facility from which~~

~~a child is currently receiving services to petition for the court-ordered admission of a child to a receiving center or secured child care facility. Section 22 of this bill requires the court to set a hearing on such a petition before the end of the next judicial day after such a petition is filed. Section 23 of this bill requires the court to cause an evaluation team to evaluate the child before the hearing. If the personnel required for an evaluation team are not available in the county where the petition is filed, section 24 of this bill authorizes the proceedings for the court-ordered admission to be conducted in the nearest county where such persons are available. Section 24 also requires the county in which a petition is filed or the county in which the child resides to pay the cost of the proceedings. Section 25 of this bill provides for the retention or appointment of counsel to represent the child in the proceedings. Section 25 also requires the office of the district attorney and the agency which provides child welfare services to represent the best interests of the child in the proceedings. Section 25 additionally prescribes certain requirements concerning a hearing on a petition for court-ordered admission.~~

~~Section 26 of this bill authorizes a court to order the admission of a child to a receiving center or secured child care facility only if it determines that: (1) the child is a commercially sexually exploited child; and (2) it is contrary to the welfare of the child to remain in the community. Section 26 requires a hearing on the court-ordered admission of a child to be held every 5 days unless the child is released. Section 26 prohibits a court from ordering the admission of a child to a receiving center or secured child care facility for longer than 30 consecutive days unless another suitable placement for the child is not available at that time. Section 27 of this bill establishes financial responsibility for the treatment of a child who is admitted to a receiving center or secured child care facility under an emergency admission or court-ordered admission. Section 29 of this bill authorizes an agency which provides child welfare services that receives a report that a child is a commercially sexually exploited child to cause the emergency admission of the child to a receiving center or secured child care facility or petition for the court-ordered admission of the child to such a facility where appropriate. In each judicial district where a family court has been established, section 30 of this bill provides that the family court has exclusive jurisdiction over proceedings for the court-ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or secured child care facility.~~

Existing law requires the development of a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children. (NRS 424.0195) Section 2 of this bill requires the plan to include plans for providing receiving centers and other appropriate placements to meet the housing needs of such children. Section 2 also removes a requirement that the plan must ensure that any secured placement for a commercially sexually exploited child is temporary, subject to judicial review and utilized only when necessary.

Existing law requires an agency which provides child welfare services that receives a report of the commercial sexual exploitation of a child to conduct an initial screening to determine whether there is reasonable cause to believe that the child is a victim of commercial sexual exploitation. (NRS 432C.130) Section 29 of this bill replaces that requirement with a requirement that the agency which provides child welfare services conduct an assessment using the resources of a children's advocacy center to determine whether the child: (1) is a victim of commercial sexual exploitation; (2) is a victim of the abuse or neglect of a child; (3) is in immediate danger of serious bodily harm; or (4) suffers from any unmet basic need. Upon the completion of the assessment of a child who lives within the jurisdiction of the agency which provides child welfare services, section 29 requires the agency which provides child welfare services to take certain actions to protect the safety of the child and meet the other needs of the child.

Existing law prohibits the adjudication of a child who is alleged to have violated certain provisions of law relating to prostitution as delinquent or in need of supervision or the detention of such a child in a state or local facility for the detention of children if there is reasonable cause to believe that the child is a commercially sexually exploited child, effective on July 1, 2022. Existing law also requires a juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child to report the commercial sexual exploitation of the child to an agency which provides child welfare services, effective on July 1, 2022. (Section 16 of chapter 513, Statutes of Nevada 2019, at page 3076) Section 35 of this bill postpones the effective date of those provisions until July 1, 2023. ~~[Sections 2 and 37 of this bill make conforming changes to clarify that, on July 1, 2023, a commercially sexually exploited child may only be placed in a secured placement in accordance with the provisions of sections 19-27 of this bill.]~~

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.7, inclusive, of this act.

Sec. 1.1. *"Child" has the meaning ascribed to it in NRS 432C.030.*

Sec. 1.15. *"Commercially sexually exploited child" has the meaning ascribed to it in NRS 432C.060.*

Sec. 1.2. *"Receiving center" means a secured facility that operates 24 hours each day, 7 days each week to provide specialized inpatient and outpatient services to commercially sexually exploited children.*

Sec. 1.3. *1. To obtain a license to operate a receiving center, a person or entity must submit an application to the Division in the form prescribed by the Division. The application must include, without limitation, proof that the applicant is capable of providing or making available the services required by section 1.4 of this act.*

2. The Division shall adopt regulations governing receiving centers, which must include, without limitation:

(a) Requirements for the issuance and renewal of a license;

(b) The fee for the issuance and renewal of a license;

(c) Requirements governing the staffing of a receiving center and the required training for the staff of a receiving center;

(d) Requirements concerning the operation of a receiving center and the facility in which a receiving center operates; and

(e) Grounds for the suspension or revocation of a license or the imposition of other disciplinary action against a receiving center, the disciplinary actions that may be imposed and the procedure for imposing such disciplinary action.

3. The Division or an agency which provides child welfare services may accept gifts, grants and donations for the purposes of:

(a) Establishing, promoting the establishment of and operating receiving centers; and

(b) Paying for services provided by a receiving center.

Sec. 1.4. 1. A receiving center must ensure that each child placed in the care of the receiving center or referred to the receiving center for outpatient care receives, as necessary, the following services:

(a) Mental health triage;

(b) Assessment of basic needs;

(c) Assessment of medical needs;

(d) Psychiatric evaluation;

(e) Referral to detoxification;

(f) Short-term placement;

(g) Mobile crisis response;

(h) Academic support;

(i) Preventive services for children who are at risk of commercial sexual exploitation, as defined in NRS 432C.050;

(j) Therapeutic treatment to assist the child in safely transitioning to a home-based placement; and

(k) Any other services required by the regulations adopted pursuant to section 1.3 of this act.

2. A receiving center may accept referrals to provide outpatient care to a child from an agency which provides child welfare services, a law enforcement agency, a community-based nonprofit organization, a provider of health care or other similar persons and entities.

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

Sec. 1.5. 1. A receiving center shall treat each child who is placed in the receiving center in all respects in accordance with the child's gender identity or expression.

2. The Division shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a receiving center and protocols for a receiving center to follow when placing a child in the receiving center that ensure that each child who is so placed is placed in a manner that

is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities and receiving centers or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division.

3. A court shall consider the factors established in the regulations adopted pursuant to subsection 2 before placing a child in a receiving center.

4. A receiving center which has physical custody of a child pursuant to the order of a court shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the receiving center.

Sec. 1.6. 1. The Division may adopt regulations requiring the certification of a facility or organization, other than a receiving center, if the:

(a) Facility or organization provides any type of services for commercially sexually exploited children; and

(b) Regulations are necessary to protect the welfare of commercially sexually exploited children.

2. Any regulations adopted pursuant to this section must establish:

(a) The process for applying for the issuance or renewal of a certificate;

(b) The fee for the issuance or renewal of a certificate;

(c) Authorized activities for the holder of a certificate; and

(d) Grounds and procedures for imposing disciplinary action against the holder of a certificate.

Sec. 1.7. 1. A person is guilty of a misdemeanor if he or she operates:

(a) A receiving center without holding a valid license; or

(b) A facility or other entity for which a certificate is required by the regulations adopted pursuant to section 1.6 of this act without such a certificate.

2. The Division may bring an action in the name of the State of Nevada to enjoin any person or entity from operating a receiving center or a facility or other entity for which a license or certificate, as applicable, is required by the regulations adopted pursuant to section 1.6 of this act without a valid license or certificate, as applicable.

3. It is sufficient in an action brought pursuant to subsection 2 to allege that the defendant did, on a certain date, operate:

(a) A receiving center without a valid license; or

(b) A facility or other entity for which a certificate is required by the regulations adopted pursuant to section 1.6 of this act without a valid certificate.

Sec. 1.8. NRS 424.010 is hereby amended to read as follows:

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, *and sections 1.1, 1.15 and 1.2 of this act* have the meanings ascribed to them in those sections.

~~[Section 1.]~~ *Sec. 1.9.* NRS 424.015 is hereby amended to read as follows:

424.015 *1.* "Group foster home" means a foster home which provides full-time care and services for 7 to 15 children who are:

~~[1.]~~ *(a)* Under 18 years of age or who remain under the jurisdiction of a court pursuant to NRS 432B.594;

~~[2.]~~ *(b)* Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

~~[3.]~~ *(c)* Received, cared for and maintained for compensation or otherwise, including the provision of free care.

2. The term "group foster home" does not include a receiving center . ~~[, as defined in section 10 of this act.]~~

Sec. 2. NRS 424.0195 is hereby amended to read as follows:

424.0195 1. The Administrator of the Division shall create the position of coordinator of services for commercially sexually exploited children. The Administrator may employ or enter into a contract with a person to serve in that position.

2. The coordinator of services for commercially sexually exploited children shall, in collaboration with other state and local agencies, including, without limitation, agencies which provide child welfare services and juvenile justice agencies, and other interested persons, including, without limitation, nonprofit organizations that provide legal services and persons who advocate for victims:

(a) Assess existing gaps in services for commercially sexually exploited children;

(b) Assess the needs for services and housing of commercially sexually exploited children in this State and the anticipated needs for services and housing of such children in the future, including, without limitation, the range of services and housing that are currently needed and will be required to meet anticipated needs;

(c) Evaluate any incentives necessary to recruit providers of housing for commercially sexually exploited children that meet the criteria prescribed in paragraph (a) of subsection 3; and

(d) Develop a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children that meets the requirements of subsection 3 and update the plan as necessary.

3. The plan developed pursuant to paragraph (d) of subsection 2 must include, without limitation, plans to:

(a) Provide specialized, evidence-based forms of housing, including, without limitation and where feasible and appropriate, home-based housing , ~~*[and]*~~ *receiving centers* ~~*[,]*~~ *and other appropriate placements*, to meet the needs of each commercially sexually exploited child in this State. All housing provided pursuant to this paragraph must:

(1) To the extent appropriate, allow residents freedom of movement inside and outside the house;

(2) Be secured from intrusion;

(3) To the extent appropriate, allow residents privacy and autonomy;

(4) Provide a therapeutic environment to address the needs of commercially sexually exploited children;

(5) Coordinate with persons and entities that provide services to residents; and

(6) Be operated by persons who have training concerning the specific needs of commercially sexually exploited children and practices for interacting with victims of trauma.

(b) Recruit providers of housing that meet the requirements of paragraph (a).

(c) Provide services to providers of housing for commercially sexually exploited children designed to increase the success of placements of such children.

(d) Provide legal representation to commercially sexually exploited children.

(e) Ensure that any ~~*[:*~~

~~*(1) Any]*~~ *receiving center or* secured ~~[placement for]~~ *child care facility into which* commercially sexually exploited children ~~[:~~

~~(1) Provides]~~ *are placed* ~~*[pursuant to sections 19 to 27, inclusive, of this act]*~~ *provides* therapeutic treatment to assist the child in safely transitioning to a home-based placement . ~~[; and~~

~~(2) Is temporary, subject to judicial review not later than 72 hours after the initiation of the placement and utilized only when necessary to:~~

~~(I) Return the child to a parent or legal guardian or to another jurisdiction; or~~

~~(II) Protect the child from further victimization or threats by a perpetrator of commercial sexual exploitation or a person acting on behalf of such a perpetrator.~~ ~~*Commercially sexually exploited children are not placed in a secured placement except in accordance with sections 19 to 27, inclusive, of this act.]*~~

4. As used in this section:

(a) ~~["Commercially sexually exploited child" means any child who is sex trafficked in violation of NRS 201.300, a victim of sexual abuse or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.~~

~~(b)]~~ "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

~~[(c) *"Receiving center" has the meaning ascribed to it in section 10 of this act.*~~

~~*(d)]* *(b) "Secured child care facility"* ~~*[has the meaning ascribed to it in section 11 of this act.]*~~ *means a residential child care facility that is locked and has implemented security measures to prevent unauthorized entry or escape. The term does not include any type of correctional facility.*

~~*[(e)]*~~ *(c)* "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

~~[(d) *(f)]*~~ *(d)* "Sexually exploited" has the meaning ascribed to it in NRS 432B.110.

Sec. 3. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility;

(c) A child care institution; or

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity;

(d) A location at which an out-of-school-time program is operated;

(e) A seasonal or temporary recreation program; ~~[or]~~

(f) An out-of-school recreation program ~~[.]~~ *; or*

(g) A receiving center, as defined in section ~~*[10]*~~ *1.2 of this act.*

Sec. 4. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

(a) Education to the children according to a curriculum approved by the Department of Education;

(b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.045, including, without limitation, services relating to mental health and education; or

(c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. *"Child care institution" does not include a receiving center, as defined in section ~~[10]~~ 1.2 of this act.*

3. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to NRS 432B.594.

Sec. 5. NRS 432A.1759 is hereby amended to read as follows:

432A.1759 1. A child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall treat each child who is placed in the facility in all respects in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a child care facility and protocols for a child care facility to follow when placing a child within the facility that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities , ~~[and]~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services of the Department.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before placing a child in a child care facility.

4. A child care facility, including, without limitation, an emergency shelter, which has physical custody of a child pursuant to the order of a court shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(d) "Receiving center" has the meaning ascribed to it in section ~~[10]~~ 1.2 of this act.

Sec. 6. NRS 432B.172 is hereby amended to read as follows:

432B.172 1. An agency which provides child welfare services shall treat each child to whom the agency provides services in all respects in accordance with the child's gender identity or expression.

2. The Division of Child and Family Services shall adopt regulations establishing protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. An agency which provides child welfare services shall:

(a) Follow the protocols prescribed in the regulations adopted pursuant to subsection 2 before placing a child in an out-of-home placement; and

(b) Ensure that an out-of-home placement into which a child is placed follows the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

4. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Out-of-home placement" has the meaning ascribed to it in NRS 432.548.

(d) "Receiving center" has the meaning ascribed to it in section ~~[10]~~ 1.2 of this act.

Sec. 7. ~~[Chapter 432C of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 27, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 8. ~~[*"Child care facility" has the meaning ascribed to it in NRS 432A.024.*]~~ (Deleted by amendment.)

Sec. 9. ~~[*"Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.*]~~ (Deleted by amendment.)

Sec. 10. ~~[*"Receiving center" means a secured facility that operates 24 hours each day, 7 days each week to provide specialized inpatient and outpatient services to commercially sexually exploited children.*]~~ (Deleted by amendment.)

Sec. 11. ~~[*"Secured child care facility" means a residential child care facility that is locked and has implemented security measures to prevent unauthorized entry or escape. The term does not include any type of correctional facility.*]~~ (Deleted by amendment.)

Sec. 12. ~~[*1. To obtain a license to operate a receiving center, a person or entity must submit an application to the Division of Child and Family Services of the Department of Health and Human Services in the form prescribed by the Division. The application must include, without limitation, proof that the applicant is capable of providing or making available the services required by section 13 of this act.*~~

~~*2. The Division shall adopt regulations governing receiving centers, which must include, without limitation:*~~

~~*(a) Requirements for the issuance and renewal of a license;*~~

~~*(b) The fee for the issuance and renewal of a license;*~~

~~*(c) Requirements governing staffing of a receiving center and the required training for the staff of a receiving center;*~~

~~*(d) Requirements concerning the operation of a receiving center and the facility in which a receiving center operates, including, without limitation, requirements to ensure that a receiving center is equipped with a location that is suitable for holding proceedings for the court-ordered admission of a child pursuant to sections 21 to 26, inclusive, of this act; and*~~

~~*(e) Grounds for the suspension or revocation of a license or the imposition of other disciplinary action against a receiving center, the disciplinary actions that may be imposed and the procedure for imposing such disciplinary action.*~~

~~*3. The Division or an agency which provides child welfare services may accept gifts, grants and donations for the purposes of:*~~

~~*(a) Establishing, promoting the establishment of and operating receiving centers; and*~~

~~*(b) Paying for services provided by a receiving center.*~~] (Deleted by amendment.)

Sec. 13. ~~[*A receiving center must ensure that each child placed in the care of the receiving center or referred to the receiving center for outpatient care receives, as necessary, the following services:*~~

~~*1. Mental health triage;*~~
~~*2. Assessment of basic needs;*~~
~~*3. Assessment of medical needs;*~~
~~*4. Psychiatric evaluation;*~~
~~*5. Referral to detoxification;*~~
~~*6. Short-term placement;*~~
~~*7. Mobile crisis response;*~~
~~*8. Academic support;*~~
~~*9. Preventive services for children who are at risk of commercial sexual exploitation;*~~
~~*10. Therapeutic treatment to assist the child in safely transitioning to a home-based placement; and*~~
~~*11. Any other services required by the regulations adopted pursuant to section 12 of this act.]~~ (Deleted by amendment.)

Sec. 14. ~~*[1. A child may be admitted to a receiving center only under:*~~
~~*(a) Emergency admission pursuant to sections 19 and 20 of this act; or*~~
~~*(b) Court-ordered admission pursuant to sections 21 to 26, inclusive, of this act.*~~
~~*2. A receiving center may accept referrals to provide outpatient care to a child from an agency which provides child welfare services, a law enforcement agency, a community-based nonprofit organization, a provider of health care or other similar persons and entities.*~~
~~*3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.]*~~ (Deleted by amendment.)

Sec. 15. ~~*[1. A receiving center shall treat each child who is placed in the receiving center in all respects in accordance with the child's gender identity or expression.*~~
~~*2. The Division of Child and Family Services of the Department of Health and Human Services shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a receiving center and protocols for a receiving center to follow when placing a child in the receiving center that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:*~~
~~*(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities and receiving centers or who have resided in such settings;*~~
~~*(b) Representatives of each agency which provides child welfare services in this State;*~~
~~*(c) Representatives of state and local facilities for the detention of children;*~~
~~*(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;*~~
~~*(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;*~~

~~*(f) Representatives of juvenile courts and family courts;*~~
~~*(g) Advocates of children; and*~~
~~*(h) Any other person deemed appropriate by the Division.*~~
~~*3. A court shall consider the factors established in the regulations adopted pursuant to subsection 2 before placing a child in a receiving center pursuant to section 26 of this act.*~~
~~*4. A receiving center which has physical custody of a child pursuant to the order of a court shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the receiving center.*~~
~~*5. As used in this section:*~~
~~*(a) "Foster home" has the meaning ascribed to it in NRS 424.014.*~~
~~*(b) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.]*~~ (Deleted by amendment.)

Sec. 16. ~~*[1. The Division of Child and Family Services of the Department of Health and Human Services may adopt regulations requiring the certification of a facility or organization, other than a receiving center, if the:*~~
~~*(a) Facility or organization provides any type of services for commercially sexually exploited children; and*~~
~~*(b) Regulations are necessary to protect the welfare of commercially sexually exploited children.*~~
~~*2. Any regulations adopted pursuant to this section must establish:*~~
~~*(a) The process for applying for the issuance or renewal of a certificate;*~~
~~*(b) The fee for the issuance or renewal of a certificate;*~~
~~*(c) Authorized activities for the holder of a certificate; and*~~
~~*(d) Grounds and procedures for imposing disciplinary action against the holder of a certificate.]*~~ (Deleted by amendment.)

Sec. 17. ~~*[1. A person is guilty of a misdemeanor if he or she operates:*~~
~~*(a) A receiving center without holding a valid license; or*~~
~~*(b) A facility or other entity for which a certificate is required by the regulations adopted pursuant to section 16 of this act without such a certificate.*~~
~~*2. The Division may bring an action in the name of the State of Nevada to enjoin any person or entity from operating a receiving center or a facility or other entity for which a certificate is required by the regulations adopted pursuant to section 16 of this act without a valid license or certificate, as applicable.*~~
~~*3. It is sufficient in such action brought pursuant to subsection 2 to allege that the defendant did, on a certain date, operate:*~~
~~*(a) A receiving center without a valid license; or*~~
~~*(b) A facility or other entity for which a certificate is required by the regulations adopted pursuant to section 16 of this act without a valid certificate.]*~~ (Deleted by amendment.)

Sec. 18. ~~[1. The Division of Child and Family Services of the Department of Health and Human Services shall prescribe forms for:~~

~~(a) The emergency admission of a child alleged to be a commercially sexually exploited child to a receiving center or a secured child care facility pursuant to section 20 of this act; and~~

~~(b) A petition for the court-ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or a secured child care facility pursuant to section 21 of this act.~~

~~2. Any forms submitted pursuant to sections 19 to 27, inclusive, of this act and any proceedings conducted pursuant to those sections are confidential. Such forms or other information related to such proceedings must not be disclosed to persons or entities who are not involved in the proceedings except as authorized by NRS 432C.150.]~~ (Deleted by amendment.)

Sec. 19. ~~[1. Except as otherwise provided in this subsection, a child who is alleged to be a commercially sexually exploited child may, in accordance with the procedures prescribed by section 20 of this act and subject to the provisions of subsection 2, be detained in a receiving center or a secured child care facility under an emergency admission, regardless of whether any parent or legal guardian of the child has consented to the admission.~~

~~2. Except as otherwise provided in subsection 3, a child must be released within 24 hours, including weekends and holidays, after the child is detained pursuant to section 20 of this act unless, before the close of the business day on which the 24 hours expires, a written petition for a court-ordered admission to a receiving center or a secured child facility is filed with the clerk of the district court pursuant to section 21 of this act.~~

~~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.]~~ (Deleted by amendment.)

Sec. 20. ~~[1. An officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services who has reasonable cause to believe that a child is a commercially sexually exploited child and is in imminent danger may:~~

~~(a) Take the child into custody without a warrant; and~~

~~(b) Transport the child to a receiving center or a secured child care facility or arrange for the child to be transported by a person who, as an employee or volunteer for a governmental entity or nonprofit organization, advocates for commercially sexually exploited children.~~

~~2. Upon transporting or arranging for the transportation of a child to a receiving center pursuant to subsection 1, an officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services must complete and provide to the receiving center or secured child care facility the form prescribed by the Division for emergency admission. The form must include, without limitation:~~

~~(a) A description of the circumstances under which the child was taken into custody and the reasons therefore; and~~

~~(b) A sworn statement of the reasons that the officer or employee has reasonable cause to believe that immediate placement in a secured facility is necessary to protect the life, health or welfare of the child and specific, articulable facts to support those reasons.~~

~~3. A child being transported to a receiving center or a secured child care facility pursuant to subsection 1 must not be restrained unless there is a significant risk of immediate harm to the child or the person transporting the child if the child is not restrained.~~

~~4. An officer authorized to make arrests in the State of Nevada or an employee of an agency which provides child welfare services shall attempt to obtain the consent of the parent or guardian of an unemancipated child before admitting the child to a receiving center or secured child care facility under emergency admission. The employer of a person who admits a child to a receiving center or secured child care facility under an emergency admission shall maintain documentation of each such attempt until the child reaches at least 23 years of age.~~

~~5. As soon as practicable but not more than 8 hours after the emergency admission of an unemancipated child to a receiving center or secured child care facility, the person in charge of the receiving center or secured child care facility in which the child is being held or his or her designee shall give notice of such admission in person, by telephone or facsimile and by certified mail to the parent or legal guardian of that child.]~~ (Deleted by amendment.)

Sec. 21. ~~[The parent or guardian of a child, a law enforcement officer, an agency which provides child welfare services or the person in charge of a receiving center or secured child care facility from which a child is currently receiving services may commence a proceeding for a court ordered admission of a child to a receiving center or a secured child care facility by filing a petition in the form prescribed by the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 18 of this act with the clerk of the district court of the county where the child who is to be admitted resides. The petition must include, without limitation:~~

~~1. A sworn written statement by the petitioner stating:~~

~~(a) That the petitioner has reasonable cause to believe that the child:~~

~~(1) Is a commercially sexually exploited child; and~~

~~(2) Will be in danger of harm to his or her life, health or welfare if he or she is not admitted by the court to a receiving center or secured child care facility; and~~

~~(b) The reasons that the petitioner believes that immediate placement in a secured facility is necessary to protect the life, health or welfare of the child and specific, articulable facts to support those reasons; and~~

~~2. If the child is currently admitted to a receiving center or secured child care facility under an emergency admission, a certified copy of the form for the emergency admission of the child submitted to the receiving center or~~

~~*secured child care facility pursuant to section 20 of this act.]*~~ (Deleted by amendment.)

Sec. 22. ~~*[1. Immediately after the clerk of the district court receives a petition filed pursuant to 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. The hearing must be held before the end of the next judicial day after the petition is filed.*~~

~~*2. The court shall give notice of the petition and of the time, date and place of any proceedings thereon to the parent or guardian of the subject of the petition, the attorney for the subject of the petition, any other person or entity with custody of the subject of the petition, the petitioner, if applicable, the district attorney of the county in which the court has its principal office, the agency which provides child welfare services and the person in charge of any receiving center or secured child care facility in which the subject of the petition is detained.*~~

~~*3. The provisions of this section do not preclude a receiving center or secured child care facility from discharging a child to his or her parent or guardian or the agency which provides child welfare services before the time set pursuant to this section for the hearing concerning the child, if appropriate.*~~ ~~*]*~~ (Deleted by amendment.)

Sec. 23. ~~*[1. After the filing of a petition to commence proceedings for the court ordered admission of a child to a receiving center or secured child care facility pursuant to section 21 of this act, the court shall promptly cause an evaluation team to evaluate the subject of the petition. The evaluation team must include, without limitation:*~~

~~*(a) An attorney who specializes in advocating for abused and exploited children;*~~

~~*(b) An advocate for commercially sexually exploited children;*~~

~~*(c) A physician, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse;*~~

~~*(d) A person who is the survivor of commercial sexual exploitation; and*~~

~~*(e) A representative of the agency which provides child welfare services.*~~

~~*2. Subject to the provisions in subsection 1, the court shall have complete discretion in selecting the members of the evaluation team required pursuant to subsection 1.*~~

~~*3. To conduct the evaluation of a child who is not being detained at a receiving center or secured child care facility under emergency admission pursuant to sections 19 and 20 of this act, the court may order a peace officer or the agency which provides child welfare services to take the child into protective custody and transport the child to a receiving center or secured child care facility where the child may be detained until a hearing is had upon the petition or motion, as applicable. A child must not be restrained while being transported to a receiving center or a secured child care facility unless there is a significant risk of immediate harm to the child or the person transporting the child if the child is not restrained.*~~

~~*4. If the child is not being detained under an emergency admission pursuant to sections 19 and 20 of this act, the child may be allowed to remain in his or her home or other place of residence pending an ordered evaluation and to return to his or her home or other place of residence upon completion of the evaluation. The child may be accompanied by his or her parent or guardian to the place of evaluation.*~~

~~*5. Each member of an evaluation team that evaluates a child pursuant to subsection 1 shall, in conducting the evaluation, consider the least restrictive environment appropriate for the child.*~~

~~*6. An evaluation team that evaluates a child pursuant to subsection 1 shall, before the hearing set pursuant to subsection 1 of section 22 of this act, submit to the court in writing a summary of its findings and evaluation regarding the child who is the subject of the evaluation.]*~~ (Deleted by amendment.)

Sec. 24. ~~*[1. In a county where the evaluating personnel required pursuant to section 23 of this act are not available, proceedings for the court-ordered admission of a child must be conducted in the nearest county having such examining personnel available in order that there be minimum delay.*~~

~~*2. Except as otherwise provided in this subsection, the county in which a petition for the court-ordered admission of a child is filed must pay the entire cost of the proceedings. Where the child to be admitted last resided in another county of the State, the expense shall be charged to and payable by such county of residence.]*~~ (Deleted by amendment.)

Sec. 25. ~~*[1. A child alleged to be a commercially sexually exploited child or his or her parent or guardian is entitled to retain counsel to represent the child in any proceeding before the court relating to a court ordered admission, and if he or she fails or refuses to obtain counsel, the court must advise the child and the child's parent or guardian, if known, of such right to counsel and shall appoint counsel, who may be the public defender or his or her deputy.*~~

~~*2. The court shall award any counsel appointed pursuant to subsection 1 compensation for his or her services in an amount determined by it to be fair and reasonable. The compensation must be charged against the county where the child alleged to be a commercially sexually exploited child last resided.*~~

~~*3. If the child alleged to be a commercially sexually exploited child is admitted by a court to a receiving center or secured child care facility, counsel must continue to represent the child until the child is unconditionally released from the receiving center or facility. The court shall serve notice upon such counsel of any action that is taken involving the child while the child is admitted to the receiving center or facility.*~~

~~*4. The district attorney or his or her deputy and a representative of the agency which provides child welfare services shall appear in each court-ordered admission proceeding and present evidence concerning the best interests of the child.*~~

~~5. The court shall allow a child to participate in any proceeding before the court relating to the court-ordered admission of the child.~~

~~6. Proceedings for the court-ordered admission of a child to a receiving center or secured child care facility must be held on the premises of a receiving center or secured child care facility. The proceedings must utilize a team approach in which the person serving as the court, the evaluation team appointed to section 23 of this act, the child, his or her parent or guardian, the attorney representing the child, the district attorney and the agency which provides child welfare services work collaboratively in the best interests of the child.]~~ (Deleted by amendment.)

Sec. 26. ~~[1. If the court finds, after the proceedings for the court ordered admission of a child:~~

~~(a) That there is not clear and convincing evidence that the child with respect to whom the hearing was held is a commercially sexually exploited child and that it is contrary to his or her welfare to remain in the community, the court must enter its finding to that effect and the child must not be admitted to a receiving center or secured child care facility. If the child has been detained in a receiving center or secured child care facility under an emergency admission pursuant to sections 19 and 20 of this act, the court must issue a written order requiring the receiving center or secured child care facility to release the child to his or her parent or guardian or, if the child is in the custody of the agency which provides child welfare services, to the agency which provides child welfare services, not later than 24 hours after the court issues the order.~~

~~(b) That there is clear and convincing evidence that the child with respect to whom the hearing was held is a commercially sexually exploited child and that it is contrary to his or her welfare to remain in the community, the court may order the admission of the child to a receiving center or secured child care facility.~~

~~2. A court-ordered admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 5 days if not terminated previously by the person in charge of the receiving center or secured child care facility.~~

~~3. Before issuing an order for the admission of a child to a receiving center or secured child care facility or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment, as suggested by the evaluation team who evaluated the child pursuant to section 23 of this act or other persons determined by the court to be qualified who have evaluated the child, which the court believes may be in the best interests of the child.~~

~~4. At the end of the court-ordered period of admission, the agency which provides child welfare services or the receiving center or secured child care facility to which the child has been admitted may petition to renew the admission of the child for additional periods not to exceed 5 days each. For each renewal, the petition must set forth:~~

~~(a) The specific reasons why further admission to the receiving center or secured child care facility would be in the best interests of the child, including, without limitation, the reasons that the welfare of the child would continue to be threatened if the admission is not continued, and specific, articulable facts to support those reasons; and~~

~~(b) A description of:~~

~~(1) The services described in section 13 of this act that are currently being provided to the child; and~~

~~(2) Any services described in section 13 of this act that have been determined to be necessary or beneficial for the child but are not currently being provided to the child and the efforts being made to provide those services to the child; and~~

~~(c) A description of the efforts made to find a less restrictive placement for the child.~~

~~5. Upon receiving a petition pursuant to subsection 4, the court shall hold proceedings on the petition in accordance with sections 21 to 26, inclusive, of this act.~~

~~6. A court shall not order the admission of a child to a receiving center or a secured child care facility for more than 30 consecutive days unless another suitable placement for the child is not available at that time.~~] (Deleted by amendment.)

Sec. 27. [~~1. Once a child has been admitted to a receiving center or a secured child care facility under emergency admission pursuant to sections 19 and 20 of this act or court-ordered admission pursuant to sections 21 to 26, inclusive, of this act, the person in charge of the receiving center or secured child care facility must make an investigation, pursuant to the provisions of this chapter, to determine whether the parent or guardian of the child is capable of paying for all or a portion of the costs that will be incurred for treatment and services provided to the child during the period of admission.~~

~~2. If the person in charge of a receiving center or secured child care facility concludes after conducting an investigation pursuant to subsection 1 that the parent or guardian of the child:~~

~~(a) Is capable of paying the full amount of the costs incurred for treatment and services provided to the child during the period of admission, the parent or guardian is responsible for the payment of those costs.~~

~~(b) Is not capable of paying the full amount of the costs incurred for treatment and services provided to the child during the period of admission, the agency which provides child welfare services is responsible for paying the portion of the costs that the parent or guardian is incapable of paying.~~

~~3. Determination of ability to pay pursuant to this section must include investigation of whether the child or his or her parent or guardian has benefits due and owing to the child, parent or guardian for the cost of his or her treatment from a third party source, including, without limitation, Medicare, Medicaid, the Children's Health Insurance Program, social security, health insurance, a retirement program, an annuity plan, government benefits or any~~

~~*other financially responsible third party. The person in charge of a receiving center or secured child care facility may accept payment for the cost of treatment and services provided to a child from an insurance company, Medicare, Medicaid, the Children's Health Insurance Program or any other similar third party.]~~ (Deleted by amendment.)

Sec. 28. ~~[NRS 432C.010 is hereby amended to read as follows:~~

~~432C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432C.020 to 432C.090, inclusive, *and sections 8 to 11, inclusive, of this act* have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 29. NRS 432C.130 is hereby amended to read as follows:

432C.130 1. Upon the receipt of a report pursuant to NRS 432C.110, an agency which provides child welfare services:

(a) Shall conduct an ~~[initial screening]~~ *assessment using the resources of a children's advocacy center* to determine whether there is reasonable cause to believe that the child ~~[is]~~ *:*

(1) Is a victim of commercial sexual exploitation;

(2) Is a victim of the abuse or neglect of a child;

(3) Is in immediate danger of serious bodily harm; or

(4) Suffers from any unmet basic need, including, without limitation, the need for behavioral health services, medical services, detoxification services and educational services;

(b) *Upon the completion of an assessment of a child who resides within the jurisdiction of the agency which provides child welfare services pursuant to paragraph (a), shall:*

(1) Engage in appropriate planning to ensure the safety of the child;

(2) Refer the child for any services necessary to address an unmet basic need identified pursuant to subparagraph (4) of paragraph (a); and

(3) Refer the case to an attorney who specializes in representing children at the expense of the agency which provides child welfare services;

(c) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation; *and*

~~[(c)]~~ *(d)* If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the child resides to provide notification of the circumstances surrounding the child's removal from the jurisdiction or placement in another location*.* ~~[;~~ ~~and~~

~~(d) May conduct an assessment pursuant to chapter 432B of NRS.;~~

~~(e) If there is reasonable cause to believe that the child will be in immediate danger of harm to his or her life, health or welfare if he or she remains in the community, may take the actions described in section 20 of this act to cause the emergency admission of the child to a receiving center or secured child care facility; and~~

~~(f) If there is reasonable cause to believe that the child will be in danger of harm to his or her life, health or welfare if he or she remains in the community, petition for the court-ordered admission of the child to a receiving center or secured child care facility pursuant to section 21 of this act.]~~

2. If an agency which provides child welfare services conducts an assessment pursuant to ~~[chapter 432B of NRS]~~ *paragraph (a) of subsection 1* and no abuse or neglect of a child is identified, the agency may:

(a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and

(b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

3. *If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and abuse or neglect of a child is identified, the agency which provides child welfare services may take any action authorized under chapter 432B of NRS. If the agency which provides child welfare services places a child who is a victim of commercial sexual exploitation into protective custody pursuant to NRS 432B.390, the agency which provides child welfare services shall, whenever possible, place the child in a placement appropriate for the needs of the child, including, without limitation, the need for safety.*

4. If an agency which provides child welfare services has entered into an agreement with a person or an organization to provide services to a child or his or her family and the person or organization will provide such services pursuant to subsection 2, the agency shall require the person or organization to notify the agency if:

(a) The child or his or her family refuses or fails to participate in such services; or

(b) The person or organization determines that there is a serious risk to the health or safety of the child.

~~[4.]~~ *5.* As used in this section ~~[, "abuse]~~ *:*

(a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

(b) "Children's advocacy center" means a public or private entity that provides an environment friendly to children where multidisciplinary teams work to:

(1) Investigate and help children recover from abuse or neglect; and

(2) Hold perpetrators of abuse or neglect of children accountable.

(c) "Multidisciplinary team" means a team of different types of professionals convened by a children's advocacy center to respond to the abuse or neglect of a child. Such a team may include, without limitation, law enforcement officers, representatives of agencies which provide child welfare

services, district attorneys or their deputies, providers of health care and advocates for victims of abuse or neglect of children.

Sec. 30. ~~[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 sections 21 to 26, inclusive, of this act for the court-ordered admission of a child alleged to be a commercially sexually exploited child to a receiving center or secured child care facility.*~~

~~*(j)* Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.~~

~~[(j)] *(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.]~~ (Deleted by amendment.)

Sec. 31. NRS 62B.212 is hereby amended to read as follows:

62B.212 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall:

(a) Treat each child that a juvenile court commits to the institution or agency in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2; and

(b) To the extent applicable, comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children, and protocols for such an institution or agency to follow when placing a child within the institution or agency that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities , ~~[and]~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children.

4. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

(a) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(b) "Foster home" has the meaning ascribed to it in NRS 424.014.

(c) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(d) "Receiving center" has the meaning ascribed to it in section ~~[10]~~ 1.2 of this act.

Sec. 32. NRS 63.425 is hereby amended to read as follows:

63.425 1. A facility shall:

(a) Treat each child in the facility in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2; and

(b) Comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a facility and protocols for a facility to follow when placing a child within the facility that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities , ~~[and]~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a facility.

4. A facility shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(e) "Receiving center" has the meaning ascribed to it in section ~~[10]~~ 1.2 of this act.

Sec. 33. ~~[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 18 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.~~] (Deleted by amendment.)

Sec. 34. NRS 433B.325 is hereby amended to read as follows:

433B.325 1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.

2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility and protocols for such a facility to follow when placing a child within the facility to ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:

(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities , ~~[and]~~ mental health facilities *and receiving centers* or who have resided in such settings;

(b) Representatives of each agency which provides child welfare services in this State;

(c) Representatives of state and local facilities for the detention of children;

(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division.

3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.

4. A treatment facility or other division facility to which a child is committed by a court order shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

5. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Foster home" has the meaning ascribed to it in NRS 424.014.

(d) "Gender identity or expression" has the meaning ascribed to it in NRS 424.0145.

(e) "Receiving center" has the meaning ascribed to it in section ~~[10]~~ 1.2 of this act.

Sec. 35. Section 19 of chapter 513, Statutes of Nevada 2019, at page 3077, is hereby amended to read as follows:

Sec. 19. 1. This section and sections 1 and 16.5 of this act become effective upon passage and approval.

2. Section 18 of this act becomes effective on July 1, 2019.

3. Section 16 of this act becomes effective on July 1, ~~[2022.]~~ *2023.*

Sec. 36. 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. 37. 1. This section and sections 35 and 36 of this act become effective upon passage and approval.

2. Sections 1 to 1.9, inclusive, and 3 to ~~[34,]~~ 36, 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.

3. Section 2 of this act becomes effective on July 1, 2023.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 262 to Senate Bill No. 274 moves provisions related to receiving centers from chapter 432A of NRS to chapter 424 of NRS. It requires the plan that must be developed to establish the infrastructure to provide treatment, housing and services to commercially sexually-exploited children to include plans for providing specialized housing including receiving centers and other appropriate placements to meet the needs of these children. It deletes provisions related to emergency and court-ordered admission to a receiving center. It replaces the requirement that child-welfare agencies conduct an initial screening upon a report of the commercial sexual exploitation of a child with a requirement that agencies conduct an assessment using the resources of a children's advocacy center to determine whether the child is a victim of commercial sexual exploitation, a victim of abuse or neglect, in immediate danger of serious bodily harm or suffers from unmet basic needs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 275.

Bill read second time.

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

Amendment No. 263.

SUMMARY—Revises provisions relating to ~~[the human immunodeficiency virus.]~~ communicable diseases. (BDR 40-220)

AN ACT relating to public health; ~~[authorizing]~~ revising the procedures followed by a county or city board of health ~~[to require a person to undergo testing for a communicable disease; requiring a certain order for the control of communicable diseases to state the reasons that the order is necessary; creating an affirmative defense for persons infected with a communicable disease who engage in certain otherwise prohibited conduct;]~~ when isolating, quarantining or treating certain persons; revising provisions governing the investigation of a case or suspected case of a communicable disease and an order for a person with a communicable disease to submit to examination and treatment; revising provisions concerning certain offenses relating to communicable diseases; revising provisions concerning court-ordered testing for a communicable disease; requiring the alleged victim of a crime involving sexual penetration to be ~~[offered a test for commonly contracted]~~ provided with information concerning sexually transmitted diseases; revising certain terminology used to refer to the human immunodeficiency virus and related matters; reestablishing the Advisory Task Force on HIV Exposure Modernization; setting forth the duties of the Task Force; abolishing certain crimes relating to the human immunodeficiency virus; repealing certain additional provisions relating to ~~[the human immunodeficiency virus;]~~ communicable diseases; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes state and local health authorities to take certain actions to investigate and control the spread of communicable diseases, including ordering: (1) a person to undergo a medical examination to verify the presence of a disease; and (2) the isolation, quarantine or treatment of a person or group of persons. (NRS 439.360, 439.470, 441A.160) Sections 1, 2 and 5 of this bill require any such order to state the reasons that the actions prescribed by the order are ~~[necessary]~~ the least restrictive means available to prevent, suppress or control ~~[the contagious or infectious]~~ a communicable disease. ~~[Section 4 of this bill clarifies that the human immunodeficiency virus is a communicable disease and, as a result, provisions governing the reporting, investigation and control of communicable diseases apply to the human immunodeficiency virus.]~~

Existing law establishes procedures pursuant to which the Chief Medical Officer or a district health officer, or a designee thereof, may isolate,

quarantine or treat persons who have been infected with or exposed to a communicable disease. (NRS 441A.510-441A.720) Those procedures: (1) require the Chief Medical Officer or district health officer, or a designee thereof, to provide each person quarantined with a statement of his or her rights; and (2) require a judicial proceeding if a person is to be quarantined involuntarily for longer than 72 hours. (NRS 441A.510, 441A.550) Sections 1, 2 and 3.6 of this bill require a city or county board of health to adhere to those procedures when isolating, quarantining or treating a person who has or has been exposed to a communicable disease. Sections 12.3-12.9 of this bill make conforming changes to clarify that a person isolated, quarantined or treated by a county or city board of health has the same rights as a person isolated, quarantined or treated by the Chief Medical Officer or a district health officer, or a designee thereof.

Existing law authorizes the Chief Medical Officer or a district health officer, or a designee thereof, to investigate a case of a communicable disease and order the person with the communicable disease to submit to examination or testing. (NRS 441A.160) Section 5 requires such an official to know or suspect that the communicable disease is in an infectious state and poses a risk to the health of the public before taking such action. Section 5 also requires the State Board of Health and each district board of health to establish a process by which a person may appeal an order to submit to examination or testing.

Existing law, with certain exceptions, prohibits a health authority from ordering involuntary treatment without a court order. (NRS 441A.160) Section 5 prohibits a court from issuing such an order without clear and convincing evidence that the person: (1) has a communicable disease in an infectious state; and (2) is likely to pose a danger to the health of the public.

Existing law makes it a misdemeanor for a person who has a communicable disease in an infectious state to conduct himself or herself in any manner likely to expose others to the disease or engage in any occupation in which it is likely that the disease will be transmitted to others after receiving a written warning from a health authority. (NRS 441A.180) Section ~~[3]~~ 3.3 of this bill sets forth legislative findings that the spread of communicable diseases is a public health matter that should not be addressed through criminalization. Section 6 of this bill prohibits a health authority from warning a person against engaging in an occupation or accessing a place of public accommodation if a similar order from an employer or the place of public accommodation would constitute prohibited discrimination against a person with a disability. Section 6 makes it a misdemeanor for a person to intentionally transmit a communicable disease to another person under certain circumstances, regardless of whether the person has received a warning from the health authority. Section 6 prohibits a person from being charged for any offense other than the offenses set forth in section 6 for exposing or attempting to expose another person to a communicable disease. Section 6 additionally prohibits the use of the fact that a person has a communicable disease to satisfy any element of an offense other than the offenses set forth in section 6. Section 6 ~~[of this bill]~~ creates an

affirmative defense if the person exposed to a communicable disease through prohibited conduct: (1) knew the defendant ~~[was infected with]~~ had the communicable disease; (2) knew the conduct could result in ~~[exposure to]~~ transmission of the communicable disease; and (3) consented to engage in the conduct with that knowledge. Section 6 additionally provides an affirmative defense ~~[to any offense based on potential exposure to a communicable disease if the conduct of the person who has the communicable disease was not likely to expose another person to the communicable disease.]~~ if the defendant used or attempted to use means to prevent the transmission of the communicable disease. Section 6 also prohibits a person from being charged with certain offenses for transmitting or exposing another person to a communicable disease through the donation of an organ, blood, sperm or tissue or through pregnancy. Section 24 of this bill repeals a separate provision making it a category B felony for a person who has tested positive for the human immunodeficiency virus to intentionally, knowingly or willfully engage in conduct in a manner that is intended or likely to transmit the disease. (NRS 201.205) Such a person would still be guilty of a misdemeanor if he or she ~~[: (1)]~~ transmitted the virus or engaged in such conduct after a warning from the health authority ~~[; and (2) exposed a person to the human immunodeficiency virus who did not provide informed consent to the virus as described in]~~ and the affirmative defenses established by section 6 ~~[.]~~ do not apply.

Existing law authorizes a court to order a person or decedent to be tested for a communicable disease upon the petition of a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or employee or volunteer thereof if the court determines that there is probable cause to believe that: (1) a transfer of bodily fluids occurred between the person and the petitioner; and (2) a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention. (NRS 441A.195) Section 7 of this bill revises these provisions to instead authorize a court to order such a test only if the court determines that there is probable cause to believe that the petitioner: (1) was likely exposed to a ~~[serious]~~ communicable disease ; ~~[through the behavior of the other person]~~ and ~~[the petitioner has undergone or agreed to undergo testing to determine whether he or she was infected with a communicable disease before the exposure; or (2) has tested positive for a serious communicable disease after coming into contact with the blood or bodily fluids and had not previously tested positive for that disease. Section 7 also requires the court to determine that]~~ (2) testing of the other person or decedent is necessary to determine the appropriate medical treatment of the petitioner . ~~[before ordering the test.]~~

If the alleged victim or a witness to a crime alleges that the crime involved the sexual penetration of the victim's body, existing law requires the testing of the alleged perpetrator for the human immunodeficiency virus and other commonly contracted sexually transmitted diseases. (NRS 441A.320)

Section ~~[11 of this bill]~~ 24 removes this requirement , and section 14.5 of this bill instead requires ~~[the health authority to offer to test the alleged victim for any commonly contracted sexually transmitted disease.]~~ information concerning testing for sexually transmitted diseases to be included in the information provided to victims of sexual assault under the Sexual Assault Survivors' Bill of Rights.

Section 17 of this bill requires the Legislative Counsel, to the extent practicable, to ensure that: (1) persons living with the human immunodeficiency virus are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder; and (2) duplicative references to the human immunodeficiency virus and acquired immunodeficiency syndrome are avoided in Nevada Revised Statutes. Section 18 of this bill provides that it is the policy of this State that such persons are referred to in a similar manner in the Nevada Administrative Code. Sections 8, 9, 11-14, 16 and 19-21 of this bill make various revisions to terminology referring to the human immunodeficiency virus, other communicable diseases and related matters.

Section 24 repeals provisions of existing law: (1) requiring a person arrested for prostitution or solicitation for prostitution and each offender in the custody of the Department of Corrections to be tested for the human immunodeficiency virus; (2) making it a category B felony to engage in prostitution after testing positive for the human immunodeficiency virus; (3) requiring the Director of the Department of Corrections to establish for inmates and employees of the Department an educational program regarding the human immunodeficiency virus; and (4) authorizing a court to order the confinement of a person who is diagnosed as having acquired immunodeficiency syndrome who fails to comply with a written order of a health authority, or who engages in behavior through which the disease may be spread to other persons. Sections 10 and 15 of this bill make conforming changes by removing references to the repealed sections.

Senate Bill No. 284 of the 2019 Legislative Session: (1) created the Advisory Task Force on HIV Exposure Modernization; and (2) required the Task Force to conduct a comprehensive examination during the 2019-2020 legislative interim of the statutes and regulations in this State related to the criminalization of exposing a person to the human immunodeficiency virus. (Section 1 of chapter 88, Statutes of Nevada 2019, at page 466) Section 22 of this bill reestablishes the Task Force for the 2021-2022 legislative interim.

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

Section 1. NRS 439.360 is hereby amended to read as follows:

439.360 *1.* The county board of health may:

~~[1.]~~ *(a)* Abate nuisances in accordance with law.

~~[2.]~~ *(b)* Establish and maintain an isolation hospital or quarantine station when necessary for the isolation or quarantine of a person or a group of persons.

~~[3. Restrain,]~~

(c) Isolate, quarantine ~~[and disinfect]~~ *or treat* any person or group of persons ~~[sick]~~ with *a communicable disease that is in an infectious state and poses a risk to the public health* or *any person or group of persons who have been* exposed to any ~~[contagious or infectious]~~ *communicable* disease that ~~[is dangerous]~~ *poses a risk* to the public health . ~~*[or require the testing of any person or group of persons for the presence of such a disease.]*~~ *Any order issued to ~~[restrain,]~~ isolate, quarantine, ~~[disinfect]~~ or ~~[test]~~ treat a person or group of persons issued pursuant to this ~~[subsection]~~ paragraph must state the reasons that each of the actions prescribed by the order are ~~[necessary]~~ the least restrictive means available to prevent, suppress or control the ~~[contagious or infectious]~~ communicable disease. If a county board of health issues an order to isolate, quarantine or treat a person with or exposed to a communicable disease, the county board of health must isolate, quarantine or treat the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act.*

~~[4.]~~ *(d)* Appoint quarantine officers when necessary to enforce a quarantine, shall provide whatever medicines, disinfectants and provisions which may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available, but each patient shall, if the patient is able, pay for his or her food, medicine, clothes and medical attendance.

~~[5.]~~ *(e)* Subject to the prior review and approval of the board of county commissioners and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from the board pursuant to a law of this state or an ordinance adopted by any political subdivision of this state. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

2. As used in this section, "communicable disease" has the meaning ascribed to it in NRS 441A.040.

Sec. 2. NRS 439.470 is hereby amended to read as follows:

439.470 *1.* The city board of health may:

~~[1.]~~ *(a)* Abate nuisances in accordance with law.

~~[2.]~~ *(b)* Establish a temporary isolation hospital or quarantine station when an emergency demands the isolation or quarantine of a person or a group of persons.

~~[3. Restrain,]~~

(c) Isolate, quarantine ~~[and disinfect]~~ *or treat* any person or a group of persons ~~[sick]~~ with *a communicable disease that is in an infectious state and poses a risk to the public health* or *any person or group of persons who have*

been exposed to any ~~[contagious or infectious]~~ *communicable* disease ~~[which is dangerous]~~ *that poses a risk* to the public health . ~~*[or require the testing of any person or a group of persons for the presence of such a disease.]*~~ *Any order issued to ~~[restrain, quarantine, disinfect]~~ isolate, quarantine or ~~[test]~~ treat a person or group of persons issued pursuant to this ~~[subsection]~~ paragraph must state the reasons that the actions prescribed by the order are ~~[necessary]~~ the least restrictive means available to prevent, suppress or control the ~~[contagious or infectious]~~ communicable disease. If a city board of health issues an order to isolate, quarantine or treat a person with or exposed to a communicable disease, the city board of health must isolate, quarantine or treat the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive, and section 3.6 of this act.*

~~[4.]~~ *(d)* Appoint quarantine officers when necessary to enforce a quarantine, and shall provide whatever medicines, disinfectants and provisions which may be required. The city council shall pay all debts or charges so incurred, but each patient shall, if able, pay for his or her food, medicine, clothes and medical attendance.

~~[5.]~~ *(e)* Subject to the prior review and approval of the governing body of the city and except as otherwise provided in NRS 576.128, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from such board pursuant to state law or an ordinance adopted by any political subdivision. Such fees must be for the sole purpose of defraying the costs and expenses of the procedures for issuing licenses and permits, and investigations related thereto, and not for the purposes of general revenue.

2. As used in this section, "communicable disease" has the meaning ascribed to it in NRS 441A.040.

Sec. 3. Chapter 441A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 3.3 and 3.6 of this act.

Sec. 3.3. The Legislature hereby finds and declares that ~~[:~~

~~1. The]~~ the spread of communicable diseases is best addressed through public health measures ~~[, including, without limitation, education and contact tracing; and~~

~~2. Criminalization of persons who are infected with communicable diseases should be minimized.]~~ rather than criminalization.

Sec. 3.6. As used in this section and NRS 441A.510 to 441A.720, inclusive, unless the context otherwise requires, "health authority" has the meaning ascribed to it in NRS 441A.050 and includes a county or city board of health.

Sec. 4. ~~[NRS 441A.040 is hereby amended to read as follows:~~

~~441A.040 "Communicable disease" means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a~~

~~susceptible host organism. *The term includes, without limitation, the human immunodeficiency virus.]*~~ (Deleted by amendment.)

Sec. 5. NRS 441A.160 is hereby amended to read as follows:

441A.160 1. A health authority who knows, suspects or is informed of the existence within the jurisdiction of the health authority of any communicable disease *that is in an infectious state and poses a risk to the health of the public* shall immediately investigate the matter and all circumstances connected with it, and shall take such measures for the prevention, suppression and control of the disease as are required by the regulations of the Board or a ~~[local]~~ *district* board of health.

2. A health authority may:

(a) Enter private property at reasonable hours to investigate any case or suspected case of a communicable disease ~~[.]~~ *to determine the danger posed by the case or suspected case to the public, including, without limitation, whether the communicable disease is in an infectious state.*

(b) Order any person whom the health authority ~~[reasonably suspects]~~ *has a reasonable factual and medical basis to suspect* has a communicable disease *that is* in an infectious state *and poses a risk to the health of the public* to submit to any medical examination or test which the health authority ~~[believes]~~ *determines* is necessary to verify the presence of the disease. The order must be in writing and specify the name of the person to be examined *or tested* and the time and place of the examination and testing, and may ~~[include such terms and conditions as the health authority believes are necessary to protect the public health.]~~ *require the person to take other actions that the health authority has determined are necessary to prevent the spread of the communicable disease.*

(c) Except as otherwise provided in *this paragraph,* subsection ~~[5]~~ *6* and NRS 441A.210, issue an order requiring the isolation, quarantine or treatment of any person or group of persons if the health authority ~~[believes]~~ *has a reasonable factual and medical basis to believe* that such action is necessary to protect the public health. The order must be in writing and specify the person or group of persons to be isolated or quarantined, the time during which the order is effective ~~[,]~~ *and* the place of isolation or quarantine *.* ~~[and other terms and conditions which]~~ *The order may direct the person or group of persons to take other actions that* the health authority ~~[believes]~~ *has determined* are necessary to ~~[protect the public health, except that no]~~ *prevent the spread of the communicable disease. The health authority shall not order* isolation or quarantine ~~[may take place]~~ if the health authority determines that such action may ~~[endanger]~~ *compromise* the ~~[life]~~ *health* of a person who is isolated or quarantined.

3. Each order issued pursuant to this section must ~~[be]~~ *:*

(a) Be served upon each person named in the order by delivering a copy to ~~[him or her.]~~ *the person ; and*

(b) State the reasons that each of the actions prescribed by the order are necessary and are the least restrictive means available to prevent, suppress or control the communicable disease.

4. *The Board and each district board of health shall adopt regulations to establish a process by which a person may appeal to the health authority an order issued pursuant to paragraph (b) of subsection 2. The health authority shall provide to a person who receives such an order a document stating the rights of the person, including, without limitation, the right to appeal the order, at the time and in the manner prescribed by regulation of the Board or the district board of health, as applicable.*

5. If a health authority issues an order to isolate or quarantine a person with a communicable or infectious disease in a medical facility, the health authority must isolate or quarantine the person in the manner set forth in NRS 441A.510 to 441A.720, inclusive ~~[.~~ ~~5.]~~ *, and section 3.6 of this act.*

6. Except as otherwise provided in NRS 441A.310 and 441A.380, a health authority may not issue an order requiring the involuntary treatment of a person without a court order requiring the person to submit to treatment. *A court shall not order a person to submit to treatment unless the court finds that there is clear and convincing evidence that:*

(a) The person has a communicable disease in an infectious state; and

(b) Because of that disease, the person is likely to pose a risk to the public health.

Sec. 6. NRS 441A.180 is hereby amended to read as follows:

441A.180 1. ~~[A]~~ *Except as otherwise provided in this section, a* person who has a communicable disease in an infectious state shall not ~~[conduct]~~ *:*

(a) Conduct himself or herself in any manner ~~[likely to expose others]~~ *that has a high probability of transmitting the disease to another person* ~~[to the disease]~~ ; or ~~[engage]~~

(b) Engage in any occupation in which ~~[it is likely]~~ *there is a high probability* that the disease will be transmitted to ~~[others.]~~ *other persons.*

2. ~~[A]~~ *Except as otherwise provided in this section, a* health authority who has reason to believe that a person is in violation of subsection 1 shall issue a warning to that person, in writing, informing the person of the behavior which constitutes the violation and of the precautions that the person must take to avoid exposing ~~[others]~~ *another person* to the disease. The warning must be served upon the person by delivering a copy to ~~[him or her.]~~ *the person. The health authority shall not warn a person against:*

(a) Engaging in an occupation if the employer of the person would be prohibited from preventing the person from engaging in that occupation by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 613.330.

(b) Accessing a place of public accommodation if the place of public accommodation would be prohibited from denying the person access to the

place of public accommodation by the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., or NRS 651.050 to 621.120, inclusive.

3. ~~[A]~~ *Except as otherwise provided in ~~[subsection 4,]~~ this section, a* person who violates the provisions of subsection 1 after service upon ~~[him or her]~~ *the person* of a warning from a health authority *in the manner prescribed by subsection 2* is guilty of a misdemeanor.

4. Except as otherwise provided in this section, any person who, after receiving notice that he or she has tested positive for a communicable disease, intentionally conducts himself or herself in a manner that is specifically intended to transmit the disease to another person and has a high probability of transmitting the disease to another person and, as a consequence, transmits the disease to another person is guilty of a misdemeanor. A person shall not be deemed to have acted intentionally solely because the person failed to use or attempt to use means to prevent transmission.

5. It is an affirmative defense to an offense charged pursuant to ~~[subsection 3 or any other offense arising from conduct described in subsection 1]~~ this section that a person who was subject to exposure to a communicable disease as a result of conduct prohibited by a warning issued pursuant to subsection 2 ~~[:]~~ or conduct described in subsection 4:

(a) Knew the defendant ~~[was infected with]~~ had the communicable disease;

(b) Knew the conduct could result in ~~[exposure to]~~ the transmission of the communicable disease; and

(c) Consented to engage in the conduct with that knowledge.

~~[5.]~~ *6. It is an affirmative defense to ~~[any offense based on an allegation that a person was exposed to a communicable disease by the defendant that the conduct of the defendant was not likely to infect the person with the communicable disease.]~~ an offense charged pursuant to this section that the defendant used or attempted to use means to prevent the transmission of the communicable disease.*

7. A person who has tested positive for a communicable disease is not in violation of subsection 1 or 4 because the person:

(a) Donates or attempts to donate an organ, blood, sperm or tissue and thereby exposes another person to the communicable disease or transmits the communicable disease; or

(b) Becomes pregnant and exposes the unborn child to the communicable disease or transmits the communicable disease to the unborn child.

8. Before imposing a fine or a sentence of imprisonment upon a person who violates subsection 2 or 4, a court must consider all alternative means to advance the public health.

9. A person must not be charged for any offense other than the offenses set forth in this section if the person is alleged to have exposed another person to a communicable disease or attempted to expose another person to a communicable disease. The fact that a person has a communicable disease must not be used to satisfy any element of an offense other than the offenses set forth in this section.

10. For the purposes of subsections 1 and 4, the likelihood of transmitting a communicable disease to another person must be determined using current medical or epidemiological evidence. The Board shall adopt regulations prescribing requirements for determining the sufficiency and legitimacy of medical or epidemiological evidence pursuant to this subsection.

11. As used in this section, "means to prevent transmission" means any method, device, behavior or activity scientifically demonstrated to measurably limit, reduce or eliminate the risk of transmitting a communicable disease.

Sec. 7. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. Except as otherwise provided in NRS 259.047, a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if ~~[the person or decedent may have exposed the]~~ *:*

(a) The officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency ~~[:~~

~~*(1) Was]*~~ *was likely exposed* to a ~~*[serious]*~~ communicable disease ~~[.~~ ~~*through the behavior of the person or decedent and has undergone or agreed to undergo testing to determine whether he or she was infected with a communicable disease before the exposure; or*~~

~~*(2) Has tested positive for a serious communicable disease after coming into contact with the blood or other bodily fluids and had not previously tested positive for that disease;]*~~ *; and*

(b) Testing of the person or decedent is necessary to determine the appropriate treatment for the officer, emergency medical attendant, firefighter, county coroner, medical examiner, employee or volunteer.

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the ~~[possible]~~ *likely* exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify ~~[possible]~~ *likely* exposure to communicable diseases, for verification that there was substantial exposure *.* ~~*[and confirmation of the testing required by subparagraph (1) or (2), as applicable, of paragraph (a) of subsection 1.]*~~ Each designated health care officer or person designated by an employer or public agency to document and verify ~~[possible]~~ *likely* exposure to

communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a ~~[possible]~~ *likely* transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who ~~[possibly]~~ *likely* exposed him or her to a communicable disease. ~~*[allegations described in the petition pursuant to paragraphs (a) and (b) of subsection 1 are true.]*~~ If the court determines that *such* probable cause exists , ~~[to believe that a possible transfer of blood or other bodily fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention,]~~ the court shall:

(a) Order the person who ~~[possibly]~~ *likely* exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who ~~[possibly]~~ *likely* exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➥ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify ~~[possible]~~ *likely* exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test ~~*[tests]*~~ pursuant to subsection ~~*[subsections 1 and]*~~ 3.

8. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 8. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease or drug overdose, or by any person who has a communicable disease or has suffered a drug overdose, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except:

1. As otherwise provided in NRS 439.538.

2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

3. In a prosecution for a violation of this chapter.

4. In a proceeding for an injunction brought pursuant to this chapter.

5. In reporting the actual or suspected abuse or neglect of a child or elderly person.

6. To any person who has a medical need to know the information for his or her own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

7. If the person who is the subject of the information consents in writing to the disclosure.

8. Pursuant to ~~[subsection 4 of NRS 441A.320 or]~~ NRS 629.069.

9. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed ~~[as having acquired immunodeficiency syndrome or an illness related to]~~ *with* the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

10. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

11. If the disclosure is authorized or required by NRS 239.0115 or another specific statute.

Sec. 9. NRS 441A.230 is hereby amended to read as follows:

441A.230 Except as otherwise provided in this chapter and NRS 439.538, a person shall not make public the name of, or other personal identifying information about, a person ~~[infected]~~ *diagnosed* with a communicable disease who has been investigated by the health authority pursuant to this chapter without the consent of the person.

Sec. 10. NRS 441A.240 is hereby amended to read as follows:

441A.240 ~~[1.]~~ The health authority shall control, prevent, treat and, whenever possible, ensure the cure of sexually transmitted diseases.

~~[2. The health authority shall provide the materials and curriculum necessary to conduct the educational program provided for in NRS 209.385 and establish a program for the certification of persons qualified to provide instruction for the program.]~~

Sec. 11. ~~[NRS 441A.320 is hereby amended to read as follows:~~

~~441A.320 1. If the alleged victim or a witness to a crime alleges that the crime involved the sexual penetration of the victim's body, the health authority [shall] *must offer to* perform the tests set forth in subsection 2 as soon as practicable after the [arrest of the person alleged to have committed the] *acts that constituted the alleged* crime, but not later than 72 hours after the [person is charged with the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be adjudicated in juvenile court and then not later than 72 hours after the petition is filed with the juvenile court alleging that the child is delinquent for committing such an act.] *health authority becomes aware of the alleged crime.*~~

~~2. If the health authority is required to *offer to* perform tests pursuant to subsection 1, it must *offer to* test a specimen obtained from the [arrested person] *alleged victim* for exposure to [the human immunodeficiency virus and] any commonly contracted sexually transmitted disease . [, regardless of whether the person or, if the person is a child, the parent or guardian of the child consents to providing the specimen. The agency that has custody of the arrested person shall obtain the specimen and submit it to the health authority for testing. The] *If the alleged victim agrees to undergo such a test, the* health authority [shall] *must* perform the test in accordance with generally accepted medical practices.~~

~~3. In addition to the test performed pursuant to subsection 2, the health authority shall , *with the permission of the alleged victim*, perform such follow-up tests [for the human immunodeficiency virus] as may be deemed medically appropriate.~~

~~4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to subsection 2 or 3 to [:~~

~~(a) The] *the* victim or to the victim's parent or guardian if the victim is a child . [; and~~

~~(b) The arrested person and, if the person is a child, to the parent or guardian of the child.]~~

~~5. If the health authority determines, from the results of a test performed pursuant to subsection 2 or 3, that a victim of sexual assault [may have] *has* been exposed to [the human immunodeficiency virus or] any commonly contracted sexually transmitted disease, it shall, at the request of the victim, provide him or her with:~~

~~(a) [An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines the victim may have been exposed;~~

~~(b)] Counseling regarding the [human immunodeficiency virus and any commonly contracted] sexually transmitted disease to which the health authority determines the victim may have been exposed; and~~

~~[(c)] *(b)* A referral for health care and other assistance,~~

~~, as appropriate.~~

~~6. If the court in:~~

~~(a) A criminal proceeding determines that a person has committed a crime; or~~

~~(b) A proceeding conducted pursuant to title 5 of NRS determines that a child has committed an act which, if committed by an adult, would have constituted a crime,~~

~~, involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order that child or other person to pay any expenses incurred in carrying out this section with regard to that child or other person and that victim.~~

~~7. The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.~~

~~8. As used in this section:~~

~~(a) "Sexual assault" means a violation of NRS 200.366.~~

~~(b) "Sexual penetration" has the meaning ascribed to it in NRS 200.364.]~~ (Deleted by amendment.)

Sec. 12. NRS 441A.330 is hereby amended to read as follows:

441A.330 The health authority may establish such dispensaries, pharmacies or clinics for outpatient care as it believes are necessary for the care and treatment of persons who have ~~[acquired immune deficiency syndrome or a]~~ *been diagnosed with the* human immunodeficiency virus , ~~[related disease,]~~ and provide those institutions with financial or other assistance. Dispensaries, pharmacies or clinics which accept financial or other assistance pursuant to this section shall comply with all conditions prescribed by the Board relating to the use of that assistance.

Sec. 12.3. NRS 441A.510 is hereby amended to read as follows:

441A.510 1. If a health authority isolates, quarantines or treats a person or group of persons infected with, exposed to, or reasonably believed by a health authority to have been infected with or exposed to a communicable disease, the authority must isolate, quarantine or treat the person or group of

persons in the manner set forth in NRS 441A.510 to 441A.720, inclusive ~~[.]~~ , *and section 3.6 of this act.*

2. A health authority shall provide each person whom it isolates or quarantines pursuant to NRS 441A.510 to 441A.720, inclusive, *and section 3.6 of this act* with a document informing the person of his or her rights. The Board shall adopt regulations:

(a) Setting forth the rights of a person who is isolated or quarantined that must be included in the document provided pursuant to this subsection; and

(b) Specifying the time and manner in which the document must be provided pursuant to this subsection.

Sec. 12.6. NRS 441A.520 is hereby amended to read as follows:

441A.520 1. A person who is isolated or quarantined pursuant to NRS 441A.510 to 441A.720, inclusive, *and section 3.6 of this act* has the right:

(a) To make a reasonable number of completed telephone calls from the place where the person is isolated or quarantined as soon as reasonably possible after his or her isolation or quarantine; and

(b) To possess and use a cellular phone or any other similar means of communication to make and receive calls in the place where the person is isolated or quarantined.

2. If a person who is isolated or quarantined pursuant to NRS 441A.510 to 441A.720, inclusive, *and section 3.6 of this act* is unconscious or otherwise unable to communicate because of mental or physical incapacity, the health authority that isolated or quarantined the person must notify the spouse or legal guardian of the person by telephone and certified mail. If a person described in this subsection is isolated or quarantined in a medical facility and the health authority did not provide the notice required by this subsection, the medical facility must provide the notice. If the case of a person described in this subsection is before a court and the health authority, and medical facility, if any, did not provide the notice required by this subsection, the court must provide the notice.

Sec. 12.9. NRS 441A.530 is hereby amended to read as follows:

441A.530 A person who is isolated or quarantined pursuant to NRS 441A.510 to 441A.720, inclusive, *and section 3.6 of this act* has the right to refuse treatment and may not be required to submit to involuntary treatment unless a court issues an order requiring the person to submit to treatment.

Sec. 13. NRS 453A.050 is hereby amended to read as follows:

453A.050 "Chronic or debilitating medical condition" means:

1. ~~[Acquired immune deficiency syndrome;~~

~~2.]~~ An anxiety disorder;

~~[3.]~~ *2.* An autism spectrum disorder;

~~[4.]~~ *3.* An autoimmune disease;

~~[5.]~~ *4.* Cancer;

~~[6.]~~ *5.* Dependence upon or addiction to opioids;

~~[7.]~~ *6.* Glaucoma;

~~[8.]~~ *7.* A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(a) Anorexia or cachexia;

(b) Muscle spasms, including, without limitation, spasms caused by multiple sclerosis;

(c) Seizures, including, without limitation, seizures caused by epilepsy;

(d) Severe nausea; or

(e) Severe or chronic pain;

~~[9. A]~~

8. The human immunodeficiency virus and any medical condition related to ~~[acquired immune deficiency syndrome or]~~ the human immunodeficiency virus;

~~[10.]~~ *9.* A neuropathic condition, whether or not such condition causes seizures; or

~~[11.]~~ *10.* Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the Division; or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 453A.710.

Sec. 14. NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to ~~[the human immunodeficiency virus]~~ or suffering from ~~[acquired immune deficiency syndrome or]~~ any ~~[other]~~ disease that is not known to be transmitted through occupancy of the property,

➥ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in NRS 179D.095, resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that

is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and that person's agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:

(a) All materials and substances involving methamphetamine have been removed from or remediated on the property by an entity certified or licensed to do so; or

(b) The property has been deemed safe for habitation by the board of health.

7. As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 14.5. NRS 178A.270 is hereby amended to read as follows:

178A.270 1. The Office of the Attorney General shall:

(a) Develop a document that explains the rights of a survivor pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law; and

(b) Make the document available to medical providers, law enforcement officials and prosecutors.

2. The document must be in clear language that is comprehensible to a person proficient in English at the reading level of a fifth grader, accessible to persons with visual disabilities and available in all major languages of this State.

3. The document must include, without limitation:

(a) A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors' Bill of Rights and other relevant law;

(b) Means of contacting, by telephone or Internet, nearby sexual assault victims' advocates and centers for support for victims of sexual assault;

(c) Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;

(d) Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

(e) Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; ~~[and]~~

(f) Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial ~~[.]~~ *; and*

(g) Information concerning testing for the human immunodeficiency virus and other common sexually transmitted diseases.

Sec. 15. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

7. Battery with intent to commit a crime pursuant to NRS 200.400.

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.

9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to NRS 200.471.

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.

12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.

13. ~~[Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.~~

~~14.]~~ Open or gross lewdness pursuant to NRS 201.210.

~~[15.]~~ *14.* Lewdness with a child pursuant to NRS 201.230.

~~[16.]~~ *15.* An offense involving pandering or sex trafficking in violation of NRS 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in violation of NRS 201.395.

~~[17.]~~ *16.* Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

~~[18.]~~ *17.* An attempt, conspiracy or solicitation to commit an offense listed in this section.

Sec. 16. NRS 213.1088 is hereby amended to read as follows:

213.1088 1. The Department of Public Safety in conjunction with the Department of Corrections shall establish a program of orientation that:

(a) Each member of the Board shall attend upon appointment to a first term; and

(b) Each person named by the Board to the list of persons eligible to serve as a case hearing representative pursuant to NRS 213.135 shall attend upon

being named to the list. A person named to the list may not serve as a case hearing representative until the person completes the program of orientation.

2. The program of orientation must include a minimum of 40 hours of training. The information presented during the program of orientation must include, but is not limited to:

(a) A historical perspective of parole, including the objectives of and reasons for using parole within the criminal justice system;

(b) The role and function of the Board within the criminal justice system;

(c) The responsibilities of members of the Board and case hearing representatives;

(d) The goals and objectives of the Board;

(e) The programs administered by the Board;

(f) The policies and procedures of the Board; and

(g) The laws and regulations governing parole, including the standards for granting, denying, revoking and continuing parole.

3. The Chair of the Board shall develop a written plan for the continuing education of members of the Board and case hearing representatives. The plan must require that:

(a) Each member of the Board shall attend not less than 16 hours of courses for continuing education during each year of the member's term.

(b) Each case hearing representative shall attend not less than 16 hours of courses for continuing education during each year that the representative is on the list of persons eligible to serve as a case hearing representative.

4. A member of the Board or a case hearing representative may meet the requirement for continuing education by successfully completing courses in any combination of the following subjects:

(a) The role and function of the Board within the criminal justice system;

(b) Changes in the law, including judicial decisions affecting parole;

(c) Developing skills in communicating, making decisions and solving problems;

(d) The interpretation and use of research, data and reports;

(e) Correctional policies and programs, including programs for the treatment of prisoners and parolees;

(f) Alternative punishments for disobedience;

(g) The selection of prisoners for parole;

(h) The supervision of parolees;

(i) The designation of and programs for repeating or professional offenders;

(j) Problems related to gangs;

(k) Alcohol and other substance use disorders;

(l) The ~~[acquired immune deficiency syndrome;]~~ *human immunodeficiency virus;*

(m) Domestic violence; and

(n) Mental illness and intellectual disabilities.

5. The Board shall, within the limits of legislative appropriations, pay the expenses of members of the Board and case hearing representatives attending courses for continuing education.

Sec. 17. NRS 220.125 is hereby amended to read as follows:

220.125 1. The Legislative Counsel shall, to the extent practicable, ensure that persons with physical, mental or cognitive disabilities are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disability as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "persons with disabilities," "persons with mental illness," "persons with developmental disabilities," "persons with intellectual disabilities" and other words and terms that are structured in a similar manner.

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "disabled," "handicapped," "mentally disabled," "mentally ill," "mentally retarded" and other words and terms that tend to equate the disability with the person.

2. The Legislative Counsel shall, to the extent practicable, ensure that terms related to persons affected by addictive disorders are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder as follows:

(a) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "addictive disorder," "persons with addictive disorders," "person with an addictive disorder," "person with an addictive disorder related to gambling" and "substance use disorder."

(b) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "addict," "alcoholic," "alcohol abuse," "alcohol abuser," "alcohol and drug abuser," "drug abuse," "drug addict," "problem gambler," "substance abuse" and "substance abuser."

3. The Legislative Counsel shall, to the extent practicable, ensure that:

(a) Terms related to persons living with the human immunodeficiency virus are referred to in Nevada Revised Statutes using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to the human immunodeficiency virus as follows:

(1) Words and terms that are preferred for use in Nevada Revised Statutes include, without limitation, "person living with the human immunodeficiency virus" and "person diagnosed with the human immunodeficiency virus."

(2) Words and terms that are not preferred for use in Nevada Revised Statutes include, without limitation, "HIV positive" and "human immunodeficiency virus positive."

(b) The human immunodeficiency virus is referred to in Nevada Revised Statutes using language that refers only to the human immunodeficiency virus or HIV rather than using duplicative references to both the human

immunodeficiency virus or HIV and acquired immunodeficiency syndrome, acquired immune deficiency syndrome or AIDS.

(c) Duplicative references to both communicable diseases and the human immunodeficiency virus or HIV are not used in Nevada Revised Statutes.

Sec. 18. NRS 233B.062 is hereby amended to read as follows:

233B.062 1. It is the policy of this State that every regulation of an agency be made easily accessible to the public and expressed in clear and concise language. To assist in carrying out this policy:

(a) The Attorney General must develop guidelines for drafting regulations; and

(b) Every permanent regulation must be incorporated, excluding any forms used by the agency, any publication adopted by reference, the title, any signature and other formal parts, in the Nevada Administrative Code, and every emergency or temporary regulation must be distributed in the same manner as the Nevada Administrative Code.

2. It is the policy of this State that:

(a) Persons with physical, mental or cognitive disabilities *and persons living with the human immunodeficiency virus* are to be referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to the person's disability ~~[; and]~~ *or the human immunodeficiency virus, as applicable;*

(b) Terms related to persons affected by addictive disorders are referred to in the Nevada Administrative Code using language that is commonly viewed as respectful and sentence structure that refers to the person before referring to his or her disorder ~~[,]~~ *; and*

(c) References to only the human immunodeficiency virus or HIV should be used in the Nevada Administrative Code instead of duplicative references to both human immunodeficiency virus or HIV and acquired immunodeficiency syndrome, acquired immune deficiency syndrome or AIDS,

➥ in the same manner as provided in NRS 220.125 for Nevada Revised Statutes.

3. The Legislative Counsel shall:

(a) Include each permanent regulation in the Nevada Administrative Code; and

(b) Distribute in the same manner as the Nevada Administrative Code each emergency or temporary regulation,

➥ that is required to be adopted pursuant to the provisions of this chapter and which is adopted by an entity other than an agency.

4. The Legislative Commission may authorize inclusion in the Nevada Administrative Code of the regulations of an agency otherwise exempted from the requirements of this chapter.

Sec. 19. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a school district shall establish a course or unit of a course of:

(a) Factual instruction concerning ~~[acquired immune deficiency syndrome;]~~ *the human immunodeficiency virus;* and

(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.

2. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; and

(b) Four representatives, one from each of four of the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion;

(4) Pupils who attend schools in the district; or

(5) Teaching.

➥ This committee shall advise the district concerning the content of and materials to be used in a course of instruction established pursuant to this section, and the recommended ages of the pupils to whom the course is offered. The final decision on these matters must be that of the board of trustees.

3. The subjects of the courses may be taught only by a teacher or school nurse whose qualifications have been previously approved by the board of trustees.

4. The parent or guardian of each pupil to whom a course is offered must first be furnished written notice that the course will be offered. The notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil consenting to the pupil's attendance. Upon receipt of the written consent of the parent or guardian, the pupil may attend the course. If the written consent of the parent or guardian is not received, the pupil must be excused from such attendance without any penalty as to credits or academic standing. Any course offered pursuant to this section is not a requirement for graduation.

5. All instructional materials to be used in a course must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

Sec. 20. 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, 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

(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. 21. NRS 678C.030 is hereby amended to read as follows:

678C.030 "Chronic or debilitating medical condition" means:

1. ~~[Acquired immune deficiency syndrome;~~

~~2.]~~ An anxiety disorder;

~~[3.]~~ *2.* An autism spectrum disorder;

~~[4.]~~ *3.* An autoimmune disease;

~~[5.]~~ *4.* Anorexia nervosa;

~~[6.]~~ *5.* Cancer;

~~[7.]~~ *6.* Dependence upon or addiction to opioids;

~~[8.]~~ *7.* Glaucoma;

~~[9.]~~ *8.* A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:

(a) Cachexia;

(b) Muscle spasms, including, without limitation, spasms caused by multiple sclerosis;

(c) Seizures, including, without limitation, seizures caused by epilepsy;

(d) Nausea; or

(e) Severe or chronic pain;

~~[10. A]~~

9. The human immunodeficiency virus and any medical condition related to the human immunodeficiency virus;

~~[11.]~~ *10.* A neuropathic condition, whether or not such condition causes seizures; or

~~[12.]~~ *11.* Any other medical condition or treatment for a medical condition that is:

(a) Classified as a chronic or debilitating medical condition by regulation of the Division; or

(b) Approved as a chronic or debilitating medical condition pursuant to a petition submitted in accordance with NRS 678C.810.

Sec. 22. 1. The Advisory Task Force on HIV Exposure Modernization created by section 1 of chapter 88, Statutes of Nevada 2019, at page 466, is hereby reestablished. The Task Force consists of not more than fifteen members appointed pursuant to subsection 2.

2. The Governor shall:

(a) To the extent practicable, reappoint to the Task Force the members appointed pursuant to section 1 of chapter 88, Statutes of Nevada 2019, at page 466;

(b) Solicit applications for additional appointments to the Task Force; and

(c) After considering each application received pursuant to this subsection, appoint additional members to the Task Force who are members of the lesbian, gay, bisexual, transgender, questioning and queer community, women, persons living with the human immunodeficiency virus (HIV) and sex workers.

3. At the first meeting of the Task Force after the effective date of this act, the members of the Task Force shall elect a Chair and a Vice Chair by majority vote.

4. A vacancy occurring in the appointed membership of the Task Force must be filled in the same manner as the original appointment.

5. The Task Force shall solicit input from persons and nongovernmental agencies with expertise in matters relevant to the Task Force in carrying out its duties pursuant to this section, including, without limitation, persons, organizations and communities that are directly affected by the current statutes and regulations of this State that criminalize exposure to HIV or mandate HIV testing or disclosure as part of any civil or criminal law, or are likely to be affected by any law or policy recommended by the Task Force.

6. The Department of Health and Human Services shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

7. The members of the Task Force serve without compensation or per diem allowance. A member may receive reimbursement for travel expenses if sufficient money collected pursuant to subsection 8 for the Task Force to carry out its duties is available.

8. The Task Force may apply for any available grants and accept any gifts, grants or donations to assist the Task Force in carrying out its duties pursuant to this section.

9. The Task Force shall:

(a) Research the implementation and impact of such statutes and regulations of this State that criminalize exposure to HIV, including, without limitation, quantifying their impact through the analysis of records, information and data relevant to this State to the extent possible;

(b) Identify any disparities in arrests, prosecutions or convictions under such statutes or regulations related to race, color, sex, sexual orientation, gender identity or expression, age or national origin;

(c) Evaluate current medical and scientific research with respect to the modes of HIV transmission implicated by such statutes and regulations; and

(d) Identify any court decisions enforcing or challenging such statutes and regulations.

10. The Task Force may make recommendations concerning any matter relating to the duties performed pursuant to subsection 9, including, without limitation, recommendations concerning proposed legislation, proposed regulations and policies.

11. The Task Force shall, on or before September 1, 2022, prepare and submit a report of the activities, findings and recommendations of the Task Force to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.

Sec. 23. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes in 2021, appropriately change any words and terms in the Nevada Revised Statutes in the manner that the Legislative Counsel determines necessary to conform those words and terms to the provisions of NRS 220.125, as amended by section 17 of this act.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any words and terms in the Nevada Administrative Code in the manner that the Legislative Counsel determines necessary to conform those words and terms to the provisions of subsection 2 of NRS 233B.062, as amended by section 18 of this act.

Sec. 24. NRS 201.205, 201.356, 201.358, 209.385 , ~~[and]~~ 441A.300 and 441A.320 are hereby repealed.

Sec. 25. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

201.205 Penalty; affirmative defense.

201.356 Test for exposure to human immunodeficiency virus required; payment of costs; notification of results of test.

201.358 Engaging in prostitution or solicitation for prostitution after testing positive for exposure to human immunodeficiency virus: Penalty; definition.

209.385 Testing offenders for exposure to human immunodeficiency virus; disclosure of name of offender whose tests are positive; segregation of offender; duties of Director.

441A.300 Confinement of person whose conduct may spread acquired immunodeficiency syndrome.

441A.320 Testing of person alleged to have committed sexual offense; disclosure of results of test; assistance to victim; payment of expenses; regulations.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 263 to Senate Bill No. 275 revises provisions authorizing local health authorities to isolate, quarantine or treat people who have a communicable disease in an infectious state that poses a risk to public health or people exposed to such a disease. It revises provisions governing the conduct of a person with a communicable disease that has a high probability of transmission. The amendment deletes section 11. It also requires the document created by the Office of the Attorney General explaining the rights outlined under the Sexual Assault Survivors' Bill of Rights to also include information concerning testing for HIV and other common sexually transmitted diseases.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 286.

Bill read second time.

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

Amendment No. 386.

SUMMARY—Revises provisions relating to public employees. (BDR 23-1012)

AN ACT relating to public employees; revising the definition of "supervisory employee" for purposes of collective bargaining for local government and state employees to include ~~[certain peace officers and]~~ persons who provide civilian support services to a law enforcement agency; revising the definition of "employee" for purposes of collective bargaining for state employees to include category II peace officers who are ~~[in the unclassified service of the State; revising the provisions relating to bargaining units of state employees who are peace officers or supervisory employees;]~~ agents of the Nevada Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits employees who exercise certain duties under a paramilitary command structure from being deemed supervisory employees solely due to the exercise of such duties. (NRS 288.138) Section 1 of this bill also excludes from being deemed supervisory employees solely due to the exercise of certain duties under a paramilitary command structure ~~[: (1) certain Executive Department and local government employees who have the powers of peace officers; and (2)]~~ certain Executive Department and local government employees who provide civilian support services to a law enforcement agency.

Existing law defines "employee" for purposes of collective bargaining with the Executive Department to mean a person who is: (1) employed in the classified service of the State; or (2) employed by the Nevada System of Higher Education in the classified service of the State or required to be paid in accordance with the pay plan for the classified service of the State. (NRS 288.425) Section 2 of this bill includes in the definition of "employee" persons who are employed in the ~~[classified or]~~ unclassified service of the State as agents of the Nevada Gaming Control Board with the powers of category II peace officers.

~~[Existing law requires the Government Employee-Management Relations Board to establish one bargaining unit per group for certain occupational groups of employees of the Executive Department, including category I peace officers, category II peace officers, category III peace officers and supervisory employees from all occupational groups. (NRS 288.515) Section 3 of this bill: (1) requires the Board to establish a separate bargaining unit for supervisory employees who are category I, category II or category II peace officers; and (2) provides that a bargaining unit for peace officers must be composed exclusively of peace officers.]~~

Section 4 of this bill provides that the amendatory provisions of this bill do not apply during the current term of any collective bargaining agreement entered into before October 1, 2021.

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

Section 1. NRS 288.138 is hereby amended to read as follows:

288.138 1. "Supervisory employee" includes:

(a) Any individual having authority in the interest of the employer 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. If any of the following persons perform some, but not all, of the foregoing duties under a paramilitary command structure, such a person shall not be deemed a supervisory employee solely because of such duties:

(1) A police officer, as defined in NRS 288.215;

(2) A firefighter, as defined in NRS 288.215; ~~[or]~~

(3) A person who:

(I) Has the powers of a peace officer pursuant to NRS 289.150 , 289.170, 289.180 or 289.190; ~~*[to 289.360, inclusive;]*~~ and

(II) Is a local government ~~*[an]*~~ employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter ~~[.]~~ *; or*

(4) A person who:

(I) Provides civilian support services to a law enforcement agency; and

(II) Is an employee who is authorized to be in a bargaining unit pursuant to the provisions of this chapter.

(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:

(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;

(2) Make budgetary decisions; and

(3) Be consulted on decisions relating to collective bargaining,

➥ 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.

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

Sec. 2. NRS 288.425 is hereby amended to read as follows:

288.425 1. "Employee" means a person who:

(a) Is employed in the classified service of the State pursuant to chapter 284 of NRS; ~~[or]~~

(b) *Is employed as ~~[a]~~ an agent of the Nevada Gaming Control Board with the powers of a category II peace officer, as ~~[defined]~~ described in subsection 9 of NRS 289.470, in the ~~[classified or]~~ unclassified service of the State; or*

(c) Is employed by the Nevada System of Higher Education in the classified service of the State or is required to be paid in accordance with the pay plan for the classified service of the State.

2. The term does not include:

(a) A managerial employee whose primary function, as determined by the Board, is to administer and control the business of any agency, board, bureau, commission, department, division, elected officer or any other unit of the Executive Department and who is vested with discretion and independent judgment with regard to the general conduct and control of that agency, board, bureau, commission, department, division, elected officer or unit;

(b) An elected official or any person appointed to fill a vacancy in an elected office;

(c) A confidential employee;

(d) A temporary employee who is employed for a fixed period of 4 months or less;

(e) A commissioned officer or an enlisted member of the Nevada National Guard;

(f) Any person employed by the Nevada System of Higher Education who is not in the classified service of the State or required to be paid in accordance with the pay plan of the classified service of the State; or

(g) Any person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan of the classified service of the State.

Sec. 3. ~~[NRS 288.515 is hereby amended to read as follows:~~

~~288.515 1. [The] *Except as otherwise provided in subsection 2, the* Board shall establish one bargaining unit for each of the following occupational groups of employees of the Executive Department:~~

~~(a) Labor, maintenance, custodial and institutional employees, including, without limitation, employees of penal and correctional institutions who are not responsible for security at those institutions.~~

~~(b) Administrative and clerical employees, including, without limitation, legal support staff and employees whose work involves general office work, or keeping or examining records and accounts.~~

~~(c) Technical aides to professional employees, including, without limitation, computer programmers, tax examiners, conservation employees and regulatory inspectors.~~

~~(d) Professional employees who do not provide health care, including, without limitation, engineers, scientists and accountants.~~

~~(e) Professional employees who provide health care, including, without limitation, physical therapists and other employees in medical and other professions related to health.~~

~~(f) Employees, other than professional employees, who provide health care and personal care, including, without limitation, employees who provide care for children.~~

~~(g) Category I peace officers.~~

~~(h) Category II peace officers.~~

~~(i) Category III peace officers.~~

~~(j) *Supervisory employees who are category I, category II or category III peace officers.*~~

~~*(k)* Supervisory employees from all occupational groups [.] *other than category I, category II or category III peace officers.*~~

~~[(k)] *(l)* Firefighters.~~

~~2. *Any bargaining unit established for peace officers pursuant to subsection 1 must be composed exclusively of peace officers.*~~

~~*3.* The Board shall determine the classifications of employees within each bargaining unit. The parties to a collective bargaining agreement may assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit. If the parties to a collective bargaining agreement do not agree to the assignment of a new classification to a bargaining unit, the Board must assign a new classification to a bargaining unit based upon the similarity of the new classification to other classifications within the bargaining unit.~~

~~[3.] *4.* As used in this section:~~

~~(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.~~

~~(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.~~

~~(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.~~

~~(d) "Professional employee" means an employee engaged in work that:~~

~~(1) Is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;~~

~~(2) Involves the consistent exercise of discretion and judgment in its performance;~~

~~(3) Is of such a character that the result accomplished or produced cannot be standardized in relation to a given period; and~~

~~(4) Requires advanced knowledge in a field of science or learning customarily acquired through a prolonged course of specialized intellectual~~

~~instruction and study in an institution of higher learning, as distinguished from general academic education, an apprenticeship or training in the performance of routine mental or physical processes.~~

~~(e) "Supervisory employee" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 288.138.]~~ (Deleted by amendment.)

Sec. 4. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before October 1, 2021, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after October 1, 2021. ~~[For the purposes of this section, the term of a collective bargaining agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.]~~

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 386 makes the following changes to Senate Bill No. 286. It deletes the exclusion of certain Executive Branch and local government employees who have the powers of peace officers from being deemed "supervisory employees." It adds persons who are employed in the unclassified service of the State as agents of the Nevada Gaming Control Board with the powers of category II peace officers to the definition of "employee" for purposes of collective bargaining. It also deletes provisions regarding the establishment of separate bargaining units for certain occupational groups of employees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 297.

Bill read second time.

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

Amendment No. 381.

SUMMARY—Revises provisions relating to agriculture. (BDR 22-480)

AN ACT relating to agriculture; ~~[requiring that a master plan which includes an urban agricultural element include]~~ revising provisions relating to a plan to inventory vacant and blighted lands ~~[for community gardens and urban farms;]~~ in a master plan; requiring the Council on Food Security to research and develop recommendations on community gardens and urban farms; authorizing a board of county commissioners to approve a ~~[property tax credit]~~ partial abatement of ad valorem taxes for owners of real property who agree to the use of real property for community gardens or urban farms; revising provisions authorizing the governing body of a county or city to allow the use of vacant county or city owned lands for community gardening; authorizing the ~~[State Land Registrar to]~~ lease of certain State lands for community gardens and urban farms for less than fair market value under certain circumstances; authorizing the Director of the Department of Transportation to lease certain real property for community gardens and urban farms ~~[for less~~

~~than fair market value]~~ under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the planning commission of a city or county to prepare a master plan which may include an urban agricultural element. The urban agricultural element must include a plan to inventory any vacant lands owned by the city or county and blighted lands in the city or county to determine if such lands may be suitable for urban farming or gardening. (NRS 278.160) Section 1 of this bill ~~[requires]~~ provides that the plan to inventory vacant or blighted lands ~~[to]~~ may include an inventory of ~~[vacant buildings]~~ other real property owned by the city or county . ~~[and blighted buildings or other structures in the city or county.]~~

Existing law creates the Council on Food Security, which is charged with various duties relating to food security, including developing a food system. (NRS 232.4966, 232.4968) Section 2 of this bill requires the Council to research and develop recommendations on community gardens and urban farms.

Section 3 of this bill authorizes a board of county commissioners to approve a ~~[property tax credit]~~ partial abatement of ad valorem taxes equal to 10 percent of the ~~[property]~~ taxes that would otherwise be imposed on a parcel if the owner intends to allow the property to be used as a community garden or urban farm. Section 3 requires the owner of the real property to agree to the operation of the community garden or urban farm for a period of not less than 5 years.

Existing law authorizes the governing body of a city or county to use vacant or blighted land owned by the city or county for the purpose of community gardening. (NRS 244.291, 268.0191) Sections 4 and 5 of this bill expand this provision to: (1) include urban farms; and (2) authorize the use of other real property owned by the city or county that is vacant or blighted for community gardening and urban farming. Sections 4 and 5 also require the governing body of a city or county to encourage the development of community gardens and urban farms, including by making available any existing federal, state or local resources to persons seeking to develop a community garden or urban farm. Lastly, sections 4 and 5 authorize the governing body of a county or city who owns a municipal water system or who has an agreement with a water authority, water district or water system to provide or request the provision of water to community gardens or urban farms at a wholesale or reduced rate.

Existing law sets forth certain requirements for the sale or lease of real property by the State Land Registrar ~~[which require the State Land Registrar, with limited exceptions, to obtain two independent appraisals of]~~ for less than the fair market value of the real property ~~[and to sell or lease the real property upon]~~ which provide that such sales or leases are exempt from requirements for the State Land Registrar to obtain an independent appraisal and receive sealed bids followed by oral offers. (NRS 321.007, ~~[321.335)~~ Sections 6-8~~]~~ 321.335, 322.065) Section 8.5 of this bill ~~[authorize]~~ authorizes, under certain circumstances, the ~~[State Land Registrar to]~~ lease of state lands for use as

community gardens and urban farms at less than fair market value. ~~[and exempt the lease of such lands from the requirements for the sale or lease of lands. Section 6 also requires the State Land Registrar to prioritize community gardens and urban farms that meet certain criteria.]~~

Existing law authorizes the Director of the Department of Transportation to lease real property held by the Department that is not in current use for fair market value. (NRS 408.507) Section 10 of this bill authorizes the Director to lease such real property for use as community gardens and urban farms for $1 per year. A local government who leases such land from the Department is required under section 10 to prioritize community gardens and urban farms that meet certain criteria. Section 9 of this bill makes a technical change to account for a change to an internal reference in section 10.

WHEREAS, Obesity, which is recognized as a disease by a variety of organizations, including the World Health Organization, the United States Food and Drug Administration of the United States Department of Health and Human Services and the National Institutes of Health, is an epidemic in the United States with almost 72 percent of Americans classified as overweight or obese; and

WHEREAS, Obesity disproportionately impacts communities of color and low-income communities and can negatively impact health outcomes for people in those communities; and

WHEREAS, Communities of color and low-income communities often have limited access to healthy and affordable foods and safe places to play or exercise outdoors, which are vital to maintaining an active and healthy life; and

WHEREAS, Community programs are critical to addressing obesity in communities by helping people in those communities lose weight and adopt long-term healthy habits; and

WHEREAS, Community programs such as community gardens and urban farms may help provide communities with access to healthy and affordable food and encourage communities to participate in outdoor activities in a safe space and adopt healthy eating habits; now, therefore,

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

Section 1. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural

resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement

for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) An urban agricultural element, which must include a plan to inventory any vacant lands *or other real property* owned by the city or county and blighted land ~~*[or other real property]*~~ in the city or county to determine whether such lands are suitable for urban farming and gardening. *The plan to inventory any vacant lands or other real property may include, without limitation, any other real property in the city or county, as deemed appropriate by the commission.*

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 2. NRS 232.4968 is hereby amended to read as follows:

232.4968 The Council on Food Security created by NRS 232.4966 shall:

1. Develop, coordinate and implement a food system that will:

(a) Partner with initiatives in economic development and social determinants of health;

(b) Increase access to improved food resource programs;

(c) Increase participation in federal nutrition programs by eligible households; and

(d) Increase capacity to produce, process, distribute and purchase food in an affordable and sustainable manner.

2. *Research and develop recommendations on community gardens and urban farms, which must include, without limitation:*

(a) Examinations of:

(1) Local and regional efforts to develop community gardens and urban farms;

(2) Regulatory and policy barriers to the development of community gardens and urban farms; and

(3) The potential effects of community gardens and urban farms on economic development in this State; and

(b) Recommendations to:

(1) Promote the use of community gardens and urban farms in this State;

(2) Strengthen local infrastructure for community gardens and urban farms; and

(3) Promote entrepreneurial efforts to develop community gardens and urban farms;

3. Hold public hearings to receive public comment and to discuss issues related to food security in this State.

~~[3.]~~ *4.* Serve as a clearinghouse for the review and approval of any events or projects initiated in the name of the Plan.

~~[4.]~~ *5.* Review and comment on any proposed federal, state or local legislation and regulation that would affect the food policy system of this State.

~~[5.]~~ *6.* Advise and inform the Governor on the food policy of this State.

~~[6.]~~ *7.* Review grant proposals and alternative funding sources as requested by the Director to provide recommendations for funding the Plan.

~~[7.]~~ *8.* Develop new resources related to the Plan.

~~[8.]~~ *9.* Advise, assist and make recommendations to the Director for the creation and administration of the Program.

~~[9.]~~ *10.* On or before January 31 of each year submit an annual report to the Director and the Director of the Legislative Counsel Bureau concerning the accomplishments and recommendations of the Council concerning food security ~~[.]~~ *, including, without limitation, any recommendations concerning community gardens and urban farms.*

Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of real property who intends to allow the real property,

including, without limitation, land or improvements on the real property, to be used as a community garden or urban farm may submit a request to the board of county commissioners of the county in which the real property is located for a ~~[property tax credit against the property tax]~~ partial abatement of the ad valorem taxes imposed pursuant to chapter 361 of NRS for the parcel on which the community garden or urban farm is located. If the real property is located in a city, the application must include, without limitation, proof that the governing body of the city has issued any necessary approvals for the use of the real property as a community garden or urban farm.

2. If the board of county commissioners receives an application pursuant to subsection 1, the board must provide notification of the application to:

(a) The Chief of the Budget Division of the Office of Finance;

(b) The county assessor;

(c) The county treasurer; and

(d) The governing body of the city where the property is located, if applicable.

3. The board of county commissioners shall hold a public hearing on the application not less than 30 days after providing notification of the application pursuant to subsection 2 and may approve the application after the public hearing if:

(a) The applicant demonstrates that the property is suitable for use as a community garden or urban farm;

(b) The applicant and the person operating the community garden or urban farm are willing and able to use the real property as a community garden or urban farm for a period of not less than 5 years; and

(c) The applicant enters into an agreement requiring the operation of the community garden or urban farm on the property for not less than 5 years beginning on the date of approval of the application.

4. If the board of county commissioners approves an application pursuant to this section, the applicant shall receive a ~~[property tax credit against the property tax]~~ partial abatement of the ad valorem taxes imposed pursuant to chapter 361 of NRS that is equal to 10 percent of the ~~[property]~~ ad valorem taxes otherwise due for the parcel on which the community garden or urban farm is located for a period of 5 years , beginning on the July 1 of the fiscal year immediately following the date of approval of the application.

5. If the owner of real property receives a partial abatement of ad valorem taxes pursuant to this section, the owner shall record the approval of the abatement with the county recorder to ensure subsequent buyers have notice of the terms of the partial abatement.

6. If the real property of the person receiving the ~~[property tax credit against the property tax]~~ partial abatement pursuant to this section ceases to be used as a community garden or urban farm before the time specified in the agreement described in paragraph (c) of subsection 3 ~~[,]~~ or the person ceases to comply with the terms of the agreement, the owner shall ~~[repay]~~ :

(a) Repay to the county treasurer the amount of the ~~[credit]~~ abatement that was authorized pursuant to this section ~~[,]~~ before the date on which the property or person ceased to comply; and

(b) Pay the interest on the amount due pursuant to paragraph (a) at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last of the month following the period for which the payment would have been made had the abatement not been approved until the date of payment of the tax.

7. The board of county commissioners shall adopt an ordinance setting forth procedures to ensure the owner is complying with the terms of the agreement described in paragraph (c) of subsection 3 and continues to qualify for the partial abatement of ad valorem taxes. The procedures must provide, without limitation, for the county treasurer and county assessor to receive yearly notice as to whether the real property continues to qualify for the partial abatement or if the owner of the real property must be required to repay the abatement pursuant to subsection 6.

8. An owner may submit a new application for an abatement pursuant to this section after the expiration of the term of the abatement set forth in subsection 4.

Sec. 4. NRS 244.291 is hereby amended to read as follows:

244.291 *1.* A board of county commissioners may, by ordinance, authorize the use of vacant or blighted county land *or other real property owned by the county* for the purpose of community gardening *or urban farming* under such terms and conditions established for the use of the county land *or real property* set forth by the ordinance.

2. The ordinance *adopted pursuant to subsection 1* may, without limitation:

~~[1.]~~ *(a)* Establish fees for the use of the county land;

~~[2.]~~ *(b)* Provide requirements for liability insurance; and

~~[3.]~~ *(c)* Provide requirements for a deposit to use the county land, which may be refunded.

3. The ordinance adopted pursuant to subsection 1 : ~~[must:]~~

(a) ~~[Provide]~~ May provide that the board of county commissioners will prioritize the use of county land or other real property for community gardens and urban farms that:

(1) Hire at least a portion of the employees from residents of the local community;

(2) Provide training for members of the local community to participate in gardening or farming;

(3) Allow members of the local community to provide input on the foods grown in the community garden or urban farm;

(4) Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and

(5) Use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.

(b) ~~[Require]~~ Must require that any urban farm established using land made available pursuant to the ordinance adopt a policy for diversity, equity and inclusion.

4. In addition to adopting an ordinance pursuant to subsection 1, a board of county commissioners shall encourage in any other manner the development of community gardens and urban farms, including, without limitation, encouraging the use of any available existing federal, state or local resources, such as money, grants and tax incentives, for the development of community gardens and urban farms.

5. If a board of county commissioners owns a municipal water system or has an agreement with a water authority, water district or water system, the board of county commissioners may provide or the board may request that the water authority, district or system provide water at a wholesale or reduced rate to a community garden or urban farm established by ordinance pursuant to this section. Nothing in this subsection requires a municipal water system or a water authority to provide water to a community garden or urban farm at a wholesale or reduced rate.

Sec. 5. NRS 268.0191 is hereby amended to read as follows:

268.0191 *1.* The governing body of a city may authorize, by ordinance, the use of vacant or blighted city land *or other real property* for the purpose of community gardening *or urban farming* under such terms and conditions established for the use of the city land set forth by the ordinance. The ordinance may, without limitation:

~~[1.]~~ *(a)* Establish fees for the use of the city land;

~~[2.]~~ *(b)* Provide requirements for liability insurance; and

~~[3.]~~ *(c)* Provide requirements for a deposit to use the city land, which may be refunded.

2. The ordinance adopted pursuant to subsection 1 : ~~[must:]~~

(a) ~~[Provide]~~ May provide that the governing body of the city will prioritize the use of city land or other real property for community gardens and urban farms that:

(1) Hire at least a portion of the employees from residents of the local community;

(2) Provide training for members of the local community to participate in gardening or farming;

(3) Allow members of the local community to provide input on the foods grown in the community garden or urban farm;

(4) Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and

(5) Use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.

(b) ~~[Require]~~ Must require that any urban farm established using land made available pursuant to the ordinance adopt a policy for diversity, equity and inclusion.

3. In addition to adopting an ordinance pursuant to subsection 1, the governing body of a city shall encourage in any other manner the development of community gardens and urban farms, including, without limitation, encouraging the use of any available existing federal, state or local resources, such as money, grants, and tax incentives, for the development of community gardens and urban farms.

4. If the governing body of a city owns a municipal water system or has an agreement with a water authority, water district or water system, the governing body of a city may or the governing body may request the water authority, district or system provide water at a wholesale or reduced rate to a community garden or urban farm established by ordinance pursuant to this section. Nothing in this subsection requires a municipal water system or a water authority to provide water to a community garden or urban farm at a wholesale or reduced rate.

Sec. 6. ~~[Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The State Land Registrar may lease state lands or other real property owned by the State for use as community gardens or urban farms to local governments, state agencies, businesses or other groups of people at less than fair market value.*~~

~~*2. In leasing state lands or other real property pursuant to subsection 1, the State Land Registrar shall prioritize community gardens and urban farms that:*~~

~~*(a) Hire at least a portion of the employees from residents of the local community;*~~

~~*(b) Provide training for members of the local community to participate in gardening or farming;*~~

~~*(c) Allow members of the local community to provide input on the foods grown in the community garden or urban farm;*~~

~~*(d) Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and*~~

~~*(e) Use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.]*~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 321.007 is hereby amended to read as follows:~~

~~321.007 1. Except as otherwise provided in subsection 5, NRS 321.008, 321.402 to 321.418, inclusive, 322.061, 322.063, 322.065 or 322.075, *and section 6 of this act*, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered~~

~~into pursuant to chapter 333 of NRS and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:~~

~~— (a) Obtain an independent appraisal of the land before selling or leasing it. The appraisal must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.~~

~~— (b) Notwithstanding the provisions of chapter 333 of NRS, select an independent appraiser from the list of appraisers established pursuant to subsection 2.~~

~~— (c) Verify the qualifications of an appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.~~

~~— 2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:~~

~~— (a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and~~

~~— (b) Be organized at random and rotated from time to time.~~

~~— 3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.~~

~~— 4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the third degree of consanguinity or affinity has an interest in the land or an adjoining property.~~

~~— 5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.~~

~~— 6. If land is sold or leased in violation of the provisions of this section:~~

~~— (a) The sale or lease is void; and~~

~~— (b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.~~] (Deleted by amendment.)

Sec. 8. ~~[~~NRS 321.335 is hereby amended to read as follows:

~~— 321.335 — 1. Except as otherwise provided in NRS 321.008, 321.125, 321.402 to 321.418, inclusive, 322.061, 322.063, 322.065 or 322.075, *and section 6 of this act*,~~ except as otherwise required by federal law, ~~except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, after~~

April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may, with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

~~(b) For a lesser amount than is reasonable for the land involved.~~

~~(c) On lands which it may be more beneficial for the State to reserve.~~

~~(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.~~

~~8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.~~

~~9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.~~

~~10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.~~

~~11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must obtain a new appraisal of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.]~~ (Deleted by amendment.)

Sec. 8.5. NRS 322.065 is hereby amended to read as follows:

322.065 1. Except as otherwise provided in this section, land may be leased pursuant to NRS 322.060 to:

(a) A nonprofit organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code and is affiliated by contract *, a notice of award* or other written agreement with an agency of this State; or

(b) A public educational institution,

➥ under such terms and for such consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, determines reasonable based

upon the costs and benefits to the State and the recommendation of the persons who approve the lease.

2. ~~[To]~~ *Except as otherwise provided in subsection 3, to* lease property pursuant to this section, at least two of the following persons must approve the lease and establish the recommended amount of rent to be received for the property:

(a) The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar.

(b) The Administrator of the State Public Works Division of the Department of Administration.

(c) The Director of the Department of Health and Human Services or a person designated by the Director.

➥ Such persons shall render a decision on an application to lease property pursuant to this section within 60 days after ~~[the]~~ *a complete* application is filed with the Administrator of the Division of State Lands.

3. *To lease property for urban farming or a community garden to a nonprofit organization or public educational institution pursuant to this section, the Director of the State Department of Agriculture, or his or her designee, and at least one person described in paragraph (a), (b) or (c) of subsection 2 must approve the lease and establish the recommended amount of rent to be received for the property. Such persons shall render a decision on an application to lease property pursuant to this section within 60 days after a complete application to lease the property for urban farming or a community garden is filed with the State Land Registrar.*

4. In ~~[determining the amount of rent]~~ *evaluating an application* for the lease of property pursuant to this section, consideration must be given to:

(a) ~~[The amount the lessee is able to pay;~~

~~(b)]~~ Whether the property will be used by the lessee to perform a service of value to members of the general public; ~~[and~~

~~(c)]~~ *(b)* Whether the service to be performed on the property will be of assistance to any agency of this State ~~[.~~

~~4.]~~ *; and*

(c) Whether a state agency that has been assigned the property pursuant to NRS 321.003 approves of the lease.

5. The State Land Registrar may waive any fee for the consideration of an application submitted pursuant to this section.

~~[5.]~~ *6. The amount of rent for a lease of property pursuant to this section must not be less than:*

(a) The minimum annual fee for the use of state land, as prescribed by the State Land Registrar; or

(b) Twenty-five percent of the fair market value,

➥ *whichever is greater.*

7. The provisions of this section do not apply to property granted to the State by the Federal Government and held in trust by the State for educational purposes.

Sec. 9. NRS 405.110 is hereby amended to read as follows:

405.110 1. Except as otherwise provided in subsection 5, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right-of-way.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this State may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection ~~[2]~~ *3* of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which the person is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of the tenant's lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term "political sign" has the meaning ascribed to it in NRS 118B.145.

5. The provisions of subsection 1 do not apply to any advertising, signs, signboards or other materials containing advertising matter located:

(a) On a bench or shelter for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083, 269.128 and 269.129, or 277A.310 and 277A.330;

(b) On a monorail station; or

(c) On a touchdown structure if a public authority authorizes such advertising matter and the advertising matter is placed and maintained by a person who owns real property adjacent to the touchdown structure and who has:

(1) Dedicated the touchdown structure to the public authority or has granted a fee or perpetual easement to the public authority for the construction or maintenance of the touchdown structure; and

(2) Entered a written agreement with the public authority on terms and conditions acceptable to the public authority.

6. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

7. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than $250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

8. If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.

9. As used in this section:

(a) "Monorail station" means:

(1) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and

(2) Any facilities or appurtenances within such a structure.

(b) "Touchdown structure" means a structure, connected to a pedestrian bridge, which houses an elevator.

Sec. 10. NRS 408.507 is hereby amended to read as follows:

408.507 1. ~~[Real]~~ *Except as otherwise provided in subsection 2, real* property held in fee or improvements on the property acquired by the Department in advance of the actual construction, reconstruction or improvement of highways or in order to avoid the payment of excessive damages, or held by the Department pending a determination in the future on its use or disposal may be leased or rented by the Department for fair market value in such manner and for such periods as are determined by the Director to be in the best interests of the State.

2. *The Director may lease to a local government for $1 per year real property held in fee by the Department that has been acquired by the Department in advance of the actual construction, reconstruction or improvement of highways or held by the Department pending a determination in the future on its use or disposal if:*

(a) Such real property will be used by the local government for a community garden or urban farm; and

(b) The local government attests in writing that the local government will prioritize community gardens and urban farms that:

(1) Hire at least a portion of the employees from residents of the local community;

(2) Provide training for members of the local community to participate in gardening or farming;

(3) Allow members of the local community to provide input on the foods grown in the community garden or urban farm; and

(4) Collaborate with school garden programs in the surrounding community and encourage students from those school garden programs to participate in the community garden or urban farm; and

(c) ~~*[Use]*~~ *Such real property will use sources of renewable energy, including, without limitation, solar energy, to operate the community garden or urban farm.*

3. The Director may lease for fair market value space above and below the established grade line of the highway to state and public agencies and private persons in such manner and for such periods as the Director determines are in the best interest of the State, if:

(a) The full use and safety of the highway will not be impaired;

(b) Vehicular or pedestrian access to that space will not be required or permitted from the established grade line; and

(c) The free flow of traffic on the highway is not interfered with in any way.

~~[3.]~~ *4.* All leases of an interest in real property entered into by the Department before April 1, 1985, are hereby ratified. All other leases entered into pursuant to subsection ~~[2]~~ *3* must be approved by the Board subject to the provisions of subsection ~~[4.]~~ *5*.

~~[4.]~~ *5.* If the Department receives a proposal to negotiate a lease pursuant to subsection ~~[2,]~~ *3*, it shall publish a notice in a newspaper of general circulation at least once a week for 2 weeks, stating that it has received the proposal and that it will receive other proposals for use of the space for 60 days after the completion of the publication. A copy of the notice must be mailed to each local governmental unit in the affected area. If the property is leased, it must be to the highest bidder for the space. The requirements for publication and notice do not apply if the proposal was received from an owner who controls the property on both sides of the highway.

~~[5.]~~ *6.* All money received for leases and rentals must be deposited with the State Treasurer to be credited to the State Highway Fund.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 381 makes several changes to Senate Bill No. 297. It provides that a plan to inventory vacant or blighted lands to determine whether such lands are suitable for urban farming and gardening may include an inventory of other real property owned by the city or county. It authorizes a board of county commissioners to approve a partial abatement of *ad valorem* taxes equal to 10 percent of the taxes that would be imposed on a parcel if the owner intends to allow the property to be used as a community garden or urban farm. It authorizes the governing body of a county or city who owns municipal water systems or who has an agreement with a water authority, water district or water system to provide or request the provision of water to community gardens or urban farms at a wholesale or reduced rate. It also authorizes, under certain circumstances, the lease of State lands for use as community gardens and urban farms at less than fair market value.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 318.

Bill read second time.

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

Amendment No. 265.

SUMMARY—Makes various changes relating to improving access to governmental services for persons with limited English proficiency. (BDR 40-955)

AN ACT relating to public health; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services and each district health department to take certain actions to ensure the availability of services to restrain the spread of COVID-19 to persons of limited English proficiency; requiring each agency of the Executive Department of the State Government to develop a language access plan; requiring such an agency to make recommendations to the Legislature concerning the language access plan

and include in the budget of the agency funds necessary to carry out the language access plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates a health district in a county whose population is 700,000 or more (currently only Clark County); and (2) authorizes the board of county commissioners and the governing bodies of any towns or cities in a smaller county to create a health district. (NRS 439.361, 439.362, 439.370) Existing law creates a district health department in each health district. (NRS 439.362, 439.370) Sections 2-4 of this bill require the Division of Public and Behavioral Health of the Department of Health and Human Services and each district health department to take ~~[certain]~~ reasonable measures to ensure that persons with limited English proficiency have meaningful and timely access to services to restrain the spread of COVID-19, ~~[are available to persons with limited English proficiency,]~~ including: (1) maintaining a record of the preferred language of the recipients of such services; (2) identifying the preferred language of such recipients; (3) ~~[requiring staff or interpreters to be available to the extent practicable]~~ providing oral language services to assist such recipients; (4) providing vital information and documents in the preferred languages ~~[identified to the extent practicable;]~~ of such recipients; and (5) collaborating with community-based organizations that serve persons with limited English proficiency. Sections 2-4 ~~[require]~~ authorize the Division and each district health department to research and apply for available federal and private funding that could be used to financially support those activities. Sections 5 and 6 of this bill make conforming changes to indicate the placement of sections 3 and 4, respectively, in the Nevada Revised Statutes.

Section 7 of this bill requires each agency of the Executive Department of the State Government to develop and ~~[annually]~~ biennially revise a language access plan. Section 7 prescribes the required contents of a language access plan, which generally ~~[consist]~~ consists of information relating to existing services available to persons of limited English proficiency and recommendations for meeting the need for such services among persons served or eligible to be served by the agency. Section 7 requires an agency to: (1) solicit public comment concerning the development and revision of a language access plan; (2) make recommendations to the Legislature concerning statutory changes necessary to implement or improve a language access plan; and (3) include funding necessary to carry out a language access plan in the budget for the agency. Section 8 of this bill removes a requirement that a language access plan must include a review of the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020. Section 11 of this bill makes a conforming change to indicate that section 8 becomes effective 2 years after the termination of that emergency.

WHEREAS, Persons with limited English proficiency require and deserve meaningful, timely access to government services in their preferred language; and

WHEREAS, It is especially vital that persons with limited English proficiency have meaningful, timely access to services to restrain the spread of COVID-19 in order to protect their health, the health of their family, friends and community and the health of all residents of this State; and

WHEREAS, state and local agencies and entities that receive public money have an obligation to provide meaningful, timely access for persons with limited English proficiency to the programs and services of those agencies and entities; now, therefore

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. The Division shall ~~[:]~~ take reasonable steps to ensure that persons with limited English proficiency who are eligible to receive services from the Division that are intended to help restrain the spread of COVID-19 have meaningful and timely access to those services. Such steps must include, without limitation:*

(a) ~~[Maintain]~~ Maintaining a record of the preferred language of each person who receives any service from the Division that is intended to help restrain the spread of COVID-19, including without limitation, guidance, testing, contact tracing and immunization;

(b) ~~[Identify]~~ Identifying the languages preferred by such recipients;

(c) ~~[Ensure that staff who are able to communicate in each language identified or an interpreter is available]~~ Taking reasonable steps to provide meaningful and timely access to oral language services to recipients of ~~[such]~~ services ~~[to the extent practicable;]~~ described in paragraph (a); and

(d) Provide notice of the availability of such services, to the extent practicable, in the languages identified and at a literacy level and in a format that is likely to be understood by such recipients.

2. The Division shall ~~[make vital]~~ take reasonable steps to ensure that persons with limited English proficiency have meaningful and timely access in their preferred language to:

(a) Vital information and documents relating to COVID-19. ~~[available in each language preferred by recipients of services identified pursuant to subsection 1 to the extent practicable.]~~ Such information and documents include, without limitation, those necessary to access or participate in the services, programs and activities of the Division related to COVID-19, including, without limitation, applications, instructions for completing applications, contracts, stipulations, outreach materials, written notices or letters that affect the legal rights or benefits of a person and any communications of the Division relating to COVID-19.

~~[3. The Division shall translate and make available any]~~

(b) Any governmental order issued to restrain the spread of COVID-19 and any information relating to a state of emergency or declaration of disaster for COVID-19 proclaimed pursuant to NRS 414.070. ~~[, in each language~~

~~*preferred by recipients of services identified pursuant to subsection 1 to the extent practicable.*~~] *For the purposes of this paragraph, meaningful access shall be deemed to be timely if it occurs within 7 days after the order is issued or the proclamation is made.*

~~[4.]~~ *3. When determining whether steps to provide meaningful and timely access to a service described in subsection 1 or 2 are reasonable, the Division shall consider:*

(a) The number of persons with limited English proficiency who are eligible for the service and have a particular preferred language and the proportion of such persons to the total number of persons eligible for the service;

(b) The frequency with which persons with limited English proficiency who are eligible for the service have contact with the Division for purposes relating to the service;

(c) The nature and importance of the service; and

(d) Available resources.

4. The Division shall collaborate with community-based organizations that serve persons with limited English proficiency to prioritize the provision of services, information and documents in languages other than English as described in this section.

5. The Division ~~[:]~~ *may:*

(a) ~~[*May accept*]~~ *Accept gifts, grants and donations for the purpose of carrying out the provisions of this section; and*

(b) ~~[*Shall research*]~~ *Research and apply for any available federal or private funding that may be used to carry out the provisions of this section.*

6. As used in this section:

(a) "Contact tracing" means investigating a case of COVID-19 to identify:

(1) A person who has been diagnosed with COVID-19; and

(2) Any person who has or may have:

(I) Come into contact with a person who has been diagnosed with COVID-19; or

(II) Otherwise been exposed to COVID-19.

(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) "Dual-role interpreter" means a multilingual employee who:

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

(d) "Oral language services" means services to convey verbal information to persons with limited English proficiency. The term:

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

(e) "Person with limited English proficiency" means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language ~~[.]~~ in written or spoken form, as applicable based on the manner in which information is being communicated.

Sec. 3. *1. ~~[A]~~ To the extent that money is available for these purposes, a district health department shall:*

(a) ~~[Maintain]~~ Take reasonable steps to ensure that persons with limited English proficiency who are eligible to receive services from the district health department that are intended to help restrain the spread of COVID-19 have meaningful and timely access to those services. Such steps must include, without limitation:

(1) Maintaining a record of the preferred language of each person who receives any service from the district health department that is intended to help restrain the spread of COVID-19, including, without limitation, guidance, testing, contact tracing and immunization;

~~[(b) Identify]~~

(2) Identifying the languages preferred by such recipients;

~~[(c) Ensure that staff who are able to communicate in each language identified or an interpreter is available]~~

(3) Taking reasonable steps to provide meaningful and timely access to oral language services to recipients of ~~[such]~~ services ~~[to the extent practicable;]~~ described in subparagraph (1); and

~~[(d) Provide]~~

(4) Providing notice of the availability of such services, to the extent practicable, in the languages identified and at a literacy level and in a format that is likely to be understood by such recipients.

~~[2. The district health department shall make vital]~~

(b) Take reasonable steps to ensure that persons with limited English proficiency have meaningful and timely access in their preferred language to:

(1) Vital information and documents relating to COVID-19. ~~[available in each language preferred by recipients of services identified pursuant to subsection 1 to the extent practicable.]~~ Such information and documents include, without limitation, those necessary to access or participate in the services, programs and activities of the district health department related to COVID-19, including, without limitation, applications, instructions for completing applications, contracts, stipulations, outreach materials, written notices or letters that affect the legal rights or benefits of a person and any communications of the district health department relating to COVID-19.

~~[3. The district health department shall translate and make available any]~~

(2) Any governmental order issued to restrain the spread of COVID-19 and any information relating to a state of emergency or declaration of disaster

for COVID-19 proclaimed pursuant to NRS 414.070. ~~[, in each language preferred by recipients of services identified pursuant to subsection 1 to the extent practicable within 7 days after the order is issued or the proclamation is made.~~

~~4. The district health department shall collaborate]~~

(c) Collaborate with community-based organizations that serve persons with limited English proficiency to prioritize the provision of services, information and documents in languages other than English as described in ~~[this section.~~

~~5.]~~ paragraphs (a) and (b).

2. When determining whether steps to provide meaningful and timely access to a service described in subsection 1 are reasonable, a district health department shall consider:

(a) The number of persons with limited English proficiency who are eligible for the service and have a particular preferred language and the proportion of such persons to the total number of persons eligible for the service;

(b) The frequency with which persons with limited English proficiency who are eligible for the service have contact with the district health department for purposes relating to the service;

(c) The nature and importance of the service; and

(d) Available resources.

3. A district health department ~~[:]~~ may:

(a) ~~[May accept]~~ Accept gifts, grants and donations for the purpose of carrying out the provisions of this section; and

(b) ~~[Shall research]~~ Research and apply for any available federal or private funding that may be used to carry out the provisions of this section.

~~[6.]~~ 4. As used in this section:

(a) "Contact tracing" has the meaning ascribed to it in paragraph (a) of subsection 6 of section 2 of this act.

(b) "COVID-19" has the meaning ascribed to it in paragraph (b) of subsection 6 of section 2 of this act.

(c) "Oral language services" has the meaning ascribed to it in paragraph (d) of subsection 6 of section 2 of this act.

(d) "Person with limited English proficiency" has the meaning ascribed to it in paragraph ~~[(c)]~~ (e) of subsection 6 of section 2 of this act.

Sec. 4. *1. ~~[A]~~ To the extent that money is available for such purposes, a district health department shall:*

(a) ~~[Maintain]~~ Take reasonable steps to ensure that persons with limited English proficiency who are eligible to receive services from the district health department that are intended to help restrain the spread of COVID-19 have meaningful and timely access to those services. Such steps must include, without limitation:

(1) Maintaining a record of the preferred language of each person who receives any service from the district health department that is intended to help

restrain the spread of COVID-19, including, without limitation, guidance, testing, contact tracing and immunization;

~~*[(b) Identify]*~~

(2) Identifying the languages preferred by such recipients;

~~*[(c) Ensure that staff who are able to communicate in each language identified or an interpreter is available]*~~

(3) Taking reasonable steps to provide meaningful and timely access to oral language services to recipients of ~~[such]~~ services ~~[to the extent practicable;]~~ described in subparagraph (1); and

~~*[(d) Provide]*~~

(4) Providing notice of the availability of such services, to the extent practicable, in the languages identified and at a literacy level and in a format that is likely to be understood by such recipients.

~~*[2. A district health department shall make vital]*~~

(b) Take reasonable steps to ensure that persons with limited English proficiency have meaningful and timely access in their preferred language to:

(1) Vital information and documents relating to COVID-19. ~~[available in each language preferred by recipients of services identified pursuant to subsection 1 to the extent practicable.]~~ Such information and documents include, without limitation, those necessary to access or participate in the services, programs and activities of the district health department related to COVID-19, including, without limitation, applications, instructions for completing applications, contracts, stipulations, outreach materials, written notices or letters that affect the legal rights or benefits of a person and any communications of the district health department relating to COVID-19.

~~*[3. The Division shall translate and make available any]*~~

(2) Any governmental order issued to restrain the spread of COVID-19 and any information relating to a state of emergency or declaration of disaster for COVID-19 proclaimed pursuant to NRS 414.070 . ~~[, in each language preferred by recipients of services identified pursuant to subsection 1 to the extent practicable within 7 days after the order is issued or the proclamation is made.~~

~~*4. The district health department shall collaborate]*~~

(c) Collaborate with community-based organizations that serve persons with limited English proficiency to prioritize the provision of services, information and documents in languages other than English as described in ~~[this section.]~~ paragraphs (a) and (b).

~~[5.]~~ 2. When determining whether steps to provide meaningful and timely access to a service described in subsection 1 are reasonable, a district health department shall consider:

(a) The number of persons with limited English proficiency who are eligible for the service and have a particular preferred language and the proportion of such persons to the total number of persons eligible for the service;

(b) The frequency with which persons with limited English proficiency who are eligible for the service have contact with the district health department for purposes relating to the service;

(c) The nature and importance of the service; and

(d) Available resources.

3. A district health department ~~[:]~~ may:

(a) ~~[May accept]~~ Accept gifts, grants and donations for the purpose of carrying out the provisions of this section; and

(b) ~~[Shall research]~~ Research and apply for any available federal or private funding that may be used to carry out the provisions of this section.

~~[6.]~~ 4. As used in this section:

(a) "Contact tracing" has the meaning ascribed to it in paragraph (a) of subsection 6 of section 2 of this act.

(b) "COVID-19' has the meaning ascribed to it in paragraph (b) of subsection 6 of section 2 of this act.

(c) "Oral language services" has the meaning ascribed to it in paragraph (d) of subsection 6 of section 2 of this act.

(d) "Person with limited English proficiency" has the meaning ascribed to it in paragraph ~~[(c)]~~ (e) of subsection 6 of section 2 of this act.

Sec. 5. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, *and section 3 of this act* apply to a county whose population is 700,000 or more.

Sec. 6. NRS 439.369 is hereby amended to read as follows:

439.369 The provisions of NRS 439.369 to 439.410, inclusive, *and section 4 of this act* apply to a county whose population is less than 700,000.

Sec. 7. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to be responsible for developing and ~~[annually]~~ biennially revising a language access plan for the agency that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of persons served by the agency for language services and the degree to which the agency has met those needs. The plan must include recommendations to expand language services if needed to improve access to the services provided by the agency. The plan must:

(a) Outline the compliance of the agency and any contractors, grantees, assignees, transferees or successors of the agency with existing federal and state laws and regulations and any requirements associated with funding received by the agency concerning the availability of language services and accessibility of the services provided by the agency or any contractors, grantees, assignees, transferees or successors to persons with limited English proficiency;

(b) List the relevant demographics of persons served by or eligible to receive services from the agency, including, without limitation:

(1) The types of services received by such persons or for which such persons are eligible;

(2) The preferred language and literacy level of such persons;

(3) The ability of such persons to access the services of the agency electronically;

(4) The number and percentage of such persons who are indigenous; and

(5) The number and percentage of such persons who are refugees;

(c) Provide an inventory of language services currently provided, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to persons served by the agency ~~[, to the extent practicable,]~~ in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) A comparison of the number of employees of the agency who regularly have contact with the public to the number of such employees who are fluent in more than one language, in aggregate and disaggregated by language;

(4) A description of any position at the agency designated for ~~[an employee who is fluent in more than one language;]~~ a dual-role interpreter;

(5) Procedures and resources used by the agency for outreach to persons with limited English proficiency who are served by the agency or eligible to receive services from the agency, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(6) Any resources made available to employees of the agency related to cultural competency;

(d) Provide an inventory of the training and resources provided to employees of the agency who serve persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Ensuring the competency of interpreters and translation services;

(4) Recording in the electronic records of the agency that a person served by the agency is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language; ~~[and]~~

(5) Communicating with the persons in charge of the agency concerning the needs of the persons served by and eligible to receive the services from the agency for language services; and

(6) Notifying persons with limited English proficiency who are eligible for or currently receiving services from the agency of the services available

from the agency in the preferred language of those persons at a literacy level and in a format that is likely to be understood by such persons;

(e) Review the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; and

(f) Identify areas in which the services described in paragraph (c) and the training and resources described in paragraph (d) do not meet the needs of persons with limited English proficiency served by the agency, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the agency; and

(II) That translators and interpreters used by the agency adequately represent the preferred languages spoken by persons served by the agency or eligible to receive services from the agency; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred languages ~~[for which the need is high]~~ of persons with limited English proficiency who are eligible for or currently receiving services from the agency and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each agency of the Executive Department shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof;

(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and

(c) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of persons with limited English proficiency served by the agency as identified pursuant to paragraph (f) of subsection 2, in the proposed budget for the agency submitted pursuant to NRS 353.210.

5. As used in this section:

(a) "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of

the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

(b) "Dual-role interpreter" means a multilingual employee who:

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

(c) "Language services" means oral language services and translation services.

~~[(c)]~~ *(d) "Oral language services" means services* ~~[used to provide]~~ *to convey verbal information to persons* ~~[served or eligible to be served by an agency of the Executive Department, including, without limitation, interpreters and employees who speak more than one language.]~~ *with limited English proficiency. The term:*

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

~~[(d)]~~ *(e) "Person with limited English proficiency" means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language* ~~[.]~~ *in written or spoken form, as applicable based on the manner in which information is being communicated.*

(f) "Translation services" means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.

Sec. 8. Section 7 of this act is hereby amended to read as follows:

Sec. 7. 1. The head of each agency of the Executive Department shall designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of persons served by the agency for language services and the degree to which the agency has met those needs. The plan must include recommendations to expand language services if needed to improve access to the services provided by the agency. The plan must:

(a) Outline the compliance of the agency and any contractors, grantees, assignees, transferees or successors of the agency with existing federal and state laws and regulations and any requirements associated with funding received by the agency concerning the availability of language services and accessibility of the services provided by the agency or any contractors, grantees, assignees, transferees or successors to persons with limited English proficiency;

(b) List the relevant demographics of persons served by or eligible to receive services from the agency, including, without limitation:

(1) The types of services received by such persons or for which such persons are eligible;

(2) The preferred language and literacy level of such persons;

(3) The ability of such persons to access the services of the agency electronically;

(4) The number and percentage of such persons who are indigenous; and

(5) The number and percentage of such persons who are refugees;

(c) Provide an inventory of language services currently provided, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to persons served by the agency in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) A comparison of the number of employees of the agency who regularly have contact with the public to the number of such employees who are fluent in more than one language, in aggregate and disaggregated by language;

(4) A description of any position at the agency designated for a dual-role interpreter;

(5) Procedures and resources used by the agency for outreach to persons with limited English proficiency who are served by the agency or eligible to receive services from the agency, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(6) Any resources made available to employees of the agency related to cultural competency;

(d) Provide an inventory of the training and resources provided to employees of the agency who serve persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Ensuring the competency of interpreters and translation services;

(4) Recording in the electronic records of the agency that a person served by the agency is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(5) Communicating with the persons in charge of the agency concerning the needs of the persons served by and eligible to receive the services from the agency for language services; and

(6) Notifying persons with limited English proficiency who are eligible for or currently receiving services from the agency of the services available from the agency in the preferred language of those persons at a literacy level and in a format that is likely to be understood by such persons; *and*

(e) ~~[Review the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; and~~

~~(f)]~~ Identify areas in which the services described in paragraph (c) and the training and resources described in paragraph (d) do not meet the needs of persons with limited English proficiency served by the agency, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the agency; and

(II) That translators and interpreters used by the agency adequately represent the preferred languages spoken by persons served by the agency or eligible to receive services from the agency; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred languages of persons with limited English proficiency who are eligible for or currently receiving services from the agency and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each agency of the Executive Department shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof;

(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and

(c) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of persons with limited English proficiency served by the agency as identified pursuant to paragraph ~~[(f)]~~ *(e)* of subsection 2, in the proposed budget for the agency submitted pursuant to NRS 353.210.

5. As used in this section:

(a) "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

(b) "Dual-role interpreter" means a multilingual employee who:

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

(c) "Language services" means oral language services and translation services.

(d) "Oral language services" means services to convey verbal information to persons with limited English proficiency. The term:

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

(e) "Person with limited English proficiency" means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable based on the manner in which information is being communicated.

(f) "Translation services" means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.

Sec. 9. 1. The head of each agency of the Executive Department shall ensure that a language access plan is developed for the agency pursuant to section 7 of this act not later than ~~[June 1, 2021.]~~ the date on which the agency submits its proposed budget for the 2023-2025 biennium pursuant to NRS 353.210.

2. As used in this section, "agency of the Executive Department" has the meaning ascribed to it in section 7 of this act.

Sec. 10. ~~[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. 11. 1. This section, sections 1 to 7, inclusive, 9 and 10 of this act become effective upon passage and approval.

2. Section 8 of this act becomes effective 2 years after the date on which the Governor terminates the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 265 to Senate Bill No. 318 requires the Division of Public and Behavioral Health of DHHS to take reasonable steps to ensure that people with limited English proficiency who are eligible to receive certain services intended to restrain the spread of COVID-19 have meaningful and timely access to those services. It imposes similar requirements for local health authorities, to the extent money is available, for these purposes. The amendment revises provisions related to the language-access plans that Executive Branch agencies must develop. It also requires plans to be revised biennially instead of annually.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 328.

Bill read second time.

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

Amendment No. 225.

SUMMARY—Revises provisions relating to energy storage systems. (BDR 58-658)

AN ACT relating to energy; ~~[requiring certain electric utilities to include in the resource plan submitted to the Public Utilities Commission of Nevada a plan for the procurement of energy storage systems as necessary to meet targets for the procurement of such systems; revising provisions requiring the Commission to establish targets for the procurement of energy storage systems; authorizing the Commission to waive energy storage system procurement targets or to not establish such targets under certain circumstances;]~~ establishing qualifications for persons who install energy storage systems; requiring the Public Utilities Commission of Nevada to reevaluate the existing biennial targets for the procurement of energy storage systems by certain electric utilities; eliminating an obsolete provision relating to the establishment of such targets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by certain electric utilities; and (2) if the Commission determines that it is in the public interest to establish such targets, adopt regulations establishing biennial targets for the procurement of energy storage systems by certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions, establish progressively larger targets for the procurement of energy storage systems by certain electric utilities, culminating in a requirement that certain electric utilities procure energy storage systems capable of storing not less than 1,000 megawatts of electric power by December 31, 2030. Existing regulations also require the Commission to review the existing biennial energy storage targets when it reviews the resource plan submitted by an electric utility and determine

whether the targets should be altered. (Section 10 of LCB File No. R106-19) ~~[Sections 3 and 9 of this bill increase the biennial targets for the procurement of energy storage systems by certain electric utilities by requiring the Commission to establish higher targets for the procurement of such systems, culminating in a requirement that certain electric utilities procure energy storage systems capable of storing not less than 3,000 megawatts of electric power by December 31, 2030.~~

~~Section 3 authorizes the Commission to grant a waiver or deferral of the target for the procurement of energy storage systems during a calendar year in which the electric utility cannot procure a sufficient number of energy storage systems that provide benefits to the customers of the utility that exceed the costs of the energy storage system and that meet certain additional criteria. Section 3 requires the Commission, in deciding whether to grant a waiver or deferral to an electric utility, to consider all known and measurable benefits and costs of the procurement of energy storage systems and enumerates certain specific benefits and costs which must be considered. Section 3 also provides that the Commission is not required to establish targets for the procurement of energy storage systems if such systems are rendered unnecessary by technological innovations or other factors. Section 4 of this bill makes conforming changes to remove references to the adoption by the Commission of biennial targets for the procurement of energy storage systems by regulation because those targets are established by section 3. Section 1 of this bill requires an electric utility to file with the Commission, as part of the triennial integrated resource plan of the utility, a plan for the procurement of energy storage systems as necessary to meet the targets for the procurement of energy storage systems established by the Commission. Section 8 of this bill requires an electric utility, on or before April 1, 2022, to file an amendment to its existing integrated resource plan that complies with the requirements of section 1 relating to a plan for the procurement of energy storage systems.]~~ Section 7.5 of this bill requires the Commission, not later than November 1, 2022, to: (1) reevaluate the existing biennial targets for the procurement of energy storage systems by certain electric utilities in regulations and to make any revisions to the targets which the Commission determines to be in the public interest; and (2) submit a report to the Legislative Commission concerning the reevaluation. Section 9 of this bill removes an obsolete provision that requires the Commission to determine whether to adopt regulations to establish the biennial targets by October 1, 2018, given that those regulations have been adopted. Section 3 of this bill makes a conforming change to remove a reference to this obsolete provision.

Section 5 of this bill prohibits a person from installing an energy storage system unless the person holds a valid license as an electrical contractor and, for installations occurring on property other than a residential property after July 1, 2022, certain additional professional qualifications relating to the installation of energy storage systems. Section 6 of this bill provides that a

violation of the provisions of section 5 is grounds for disciplinary action by the State Contractors' Board.

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

Section 1. ~~[NRS 704.741 is hereby amended to read as follows:~~

~~704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.~~

~~2. The Commission shall, by regulation:~~

~~(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:~~

~~(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection [6] 7 as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and~~

~~(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and~~

~~(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.~~

~~3. The Commission shall require the utility or utilities to include in the plan:~~

~~(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.~~

~~(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.~~

~~(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.~~

~~(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.~~

~~(e) A list of the utility's or utilities' assets described in NRS 704.7338.~~

~~(f) A surplus asset retirement plan as required by NRS 704.734.~~

~~4. The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.~~

~~5. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:~~

~~(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.~~

~~(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.~~

~~(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.~~

~~(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.~~

~~(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.~~

~~*6. The Commission shall require the utility or utilities to include in the plan a plan for the procurement of energy storage systems as necessary to meet the targets for the procurement of energy storage systems established by NRS 704.796.*~~

~~7. The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:~~

~~(a) A forecast of the load growth of the utility or utilities;~~

~~(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;~~

~~(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;~~

~~(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and~~

~~(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.~~

~~[7.] 8. The annual limits proposed pursuant to subsection [6] 7 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:~~

~~(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and~~

~~(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.~~

~~[8.] 9. As used in this section:~~

~~(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.~~

~~(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.~~

~~(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand response technologies.~~

~~(d) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.~~

~~(e) "Energy" has the meaning ascribed to it in NRS 704B.090.~~

~~(f) "New electric resource" has the meaning ascribed to it in NRS 704B.110.~~

~~(g) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.~~

~~(h) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.~~

~~(i) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 704.746 is hereby amended to read as follows:~~

~~704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.~~

~~2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will~~

~~unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.~~

~~3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.~~

~~4. After the hearing, the Commission shall determine whether:~~

~~(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.~~

~~(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.~~

~~(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:~~

~~(1) Improvements in energy efficiency;~~

~~(2) Pooling of power;~~

~~(3) Purchases of power from neighboring states or countries;~~

~~(4) Facilities that operate on solar or geothermal energy or wind;~~

~~(5) Facilities that operate on the principle of cogeneration or hydrogeneration;~~

~~(6) Other generation facilities; and~~

~~(7) Other transmission facilities.~~

~~5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:~~

~~(a) Provide the greatest economic and environmental benefits to the State;~~

~~(b) Are consistent with the provisions of this section;~~

~~(c) Provide levels of service that are adequate and reliable;~~

~~(d) Provide the greatest opportunity for the creation of new jobs in this State; and~~

~~(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.~~

~~→ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.~~

~~6. The Commission shall:~~

~~(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and~~

~~(b) Consider the value to the public of using water efficiently when it is determining those preferences.~~

~~7. The Commission shall:~~

~~(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and~~

~~(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.~~

~~8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:~~

~~(a) The cost to the customers of the electric utility or utilities to implement the plan;~~

~~(b) Whether the plan provides the greatest economic benefit to this State;~~

~~(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and~~

~~(d) Whether the plan represents the best value to the customers of the electric utility or utilities.~~

~~9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection [6] 7 of NRS 704.741, the Commission shall consider whether the proposed annual limits:~~

~~(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;~~

~~(b) Align an economically viable utility model with state public policy goals; and~~

~~(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.]~~ (Deleted by amendment.)

Sec. 3. NRS 704.796 is hereby amended to read as follows:

704.796 ~~[If, pursuant to NRS 704.795, the Commission determines that it is in the public interest to establish by regulation targets for the procurement of energy storage systems by an electric utility, the~~

~~*1. Except as otherwise provided in subsections 3 and 4, the Commission shall establish targets for the procurement of energy storage systems that require each electric utility to procure energy storage systems capable of storing electric power in an amount that:*~~

~~*(a) By December 31, 2022, is equal to not less than 500 megawatts.*~~

~~*(b) By December 31, 2024, is equal to not less than 1,000 megawatts.*~~

~~*(c) By December 31, 2026, is equal to not less than 1,500 megawatts.*~~

~~*(d) By December 31, 2028, is equal to not less than 2,000 megawatts.*~~

~~*(e) By December 31, 2030, is equal to not less than 3,000 megawatts.*~~

~~*2.]*~~ *The* Commission shall adopt regulations:

1. Establishing biennial targets for the procurement of energy storage systems by the electric utility;

2. ~~[(a)]~~ Setting forth the points of interconnection on the electric grid for the implementation of energy storage systems;

3. ~~[(b)]~~ Establishing that an energy storage system may be owned by the electric utility or any other person;

4. Establishing requirements for the filing by the electric utility of annual or biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

5. Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the biennial targets for the procurement of energy storage systems by the electric utility;

6. ~~[(c)]~~ Establishing a procedure by which an electric utility may obtain a waiver or deferral of the biennial targets for the procurement of energy storage systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; ~~[pursuant to subsection 3;]~~ and

7. ~~[(d)]~~ Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

~~*[3. The Commission may grant a waiver or deferral of a target for the procurement of energy storage systems for a calendar year if the Commission determines that an electric utility is unable to meet the target for that calendar year because, after making reasonable efforts, the electric utility is unable to procure a sufficient number of energy storage systems which provide benefits to customers of the utility that exceed the costs of energy storage systems and which satisfy the requirement set forth in subsection 2 of NRS 704.797. In calculating the benefits and costs of the procurement of particular energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:*~~

~~*(a) Any reduction in the need for the additional generation of electricity during periods of peak demand;*~~

~~*(b) Any reduction in line losses;*~~

~~*(c) The benefits and costs related to ancillary services;*~~

~~*(d) Avoided costs for additional generation, transmission and generation capacity;*~~

~~*(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;*~~

~~*(f) The benefits and costs related to voltage support;*~~

~~*(g) The benefits of diversifying the types of resources used for the generation of electricity;*~~

~~*(h) The administrative costs incurred by the electric utility;*~~

~~*(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and*~~

~~*(j) The cost of energy storage systems.*~~

~~*4. The Commission is not required to adopt targets for the procurement of energy storage systems for a calendar year pursuant to subsection 1 if the Commission determines that technological innovations or other factors have rendered increasing this capacity unnecessary to obtain the benefits set forth in subsection 3.]*~~

Sec. 4. ~~[NRS 704.797 is hereby amended to read as follows:~~

~~704.797 1. [If the Commission adopts regulations pursuant to NRS 704.796 to establish biennial targets for the procurement of energy storage systems by an electric utility, to]~~ *To* meet the targets ~~[set forth in those regulations,]~~ ~~*for the procurement of energy storage systems established pursuant to NRS 704.796,*~~ the electric utility may procure energy storage ~~systems that are either centralized or distributed and either owned by the utility or by any other person, as prescribed by regulation of the Commission.~~

~~2. Electric energy storage systems procured by an electric utility to meet any [biennial] targets for the procurement of energy storage systems established [by regulation] pursuant to NRS 704.796 must:~~

~~(a) Reduce peak demand for electricity;~~

~~(b) Avoid or defer investment by the electric utility in assets for the generation, transmission and distribution of electricity;~~

~~(c) Improve the reliability of the operation of the transmission or distribution grid;~~

~~(d) Reduce the emission of greenhouse gases or other air pollutants; or~~

~~(e) Integrate renewable energy into the electric grid.]~~ (Deleted by amendment.)

Sec. 5. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not install an energy storage system in this State unless he or she holds:

(a) A valid license in the specialty of electrical contracting with any subclassification required to perform such work issued pursuant to this chapter and the regulations of the Board; and

(b) ~~*[A]*~~ *If the installation is for a property other than a residential property and is performed on or after July 1, 2022, a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program (ESAMTAC).*

2. As used in this section ~~*[, "energy]*~~ *:*

(a) "Energy storage system" has the meaning ascribed to it in NRS 704.793.

(b) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 6. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

9. Failure to file a certified payroll report that is required for a contract for a public work.

10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

11. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

12. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

13. Failure to comply with section 5 of this act.

Sec. 7. NRS 624.800 is hereby amended to read as follows:

624.800 For any violation of the provisions of NRS 624.005 to 624.750, inclusive, *and section 5 of this act* that is punishable as a misdemeanor, an indictment must be found, or an information or complaint filed, within 2 years after the commission of the offense.

Sec. 7.5. 1. Not later than November 1, 2022, based upon the most recent plan filed by an electric utility pursuant to NRS 704.741 on or before June 1, 2021, the Public Utilities Commission of Nevada shall reevaluate the biennial targets for the procurement of energy storage systems by an electric utility established by the Commission by regulation pursuant to NRS 704.796 and make any revisions to the targets that the Commission determines to be in the public interest. The reevaluation required by this subsection is in addition to any reevaluation of the biennial targets for the procurement of energy storage systems required by the regulations adopted by the Commission pursuant to subsection 5 of NRS 704.796.

2. On or before November 1, 2022, the Commission shall prepare and submit a report to the Legislative Commission concerning its reevaluation of the biennial targets for the procurement of energy storage systems by an electric utility pursuant to subsection 1. The report must state any revisions to the targets that have been or will be adopted by the Commission as a result of the reevaluation.

Sec. 8. ~~[A public utility required to file a plan pursuant to NRS 704.741 shall, on or before April 1, 2022, submit an amendment to its existing plan that complies with the provisions relating to a plan for the procurement of energy storage systems in subsection 6 of NRS 704.741, as amended by section 1 of this act.]~~ (Deleted by amendment.)

Sec. 9. NRS 704.795 is hereby repealed.

Sec. 10. 1. This section ~~[becomes]~~ and sections 1 to 4, inclusive, and 7.5 to 9, inclusive, of this act become effective upon passage and approval.

2. Sections ~~[1 to 9, inclusive,]~~ 5, 6 and 7 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.

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 225 makes two changes to Senate Bill No. 328. It deletes the specific energy-storage targets and, instead, requires the Public Utilities Commission to re-evaluate its current biennial targets set in regulation and report to the Legislative Commission no later than November 1, 2022, on the results of its re-evaluation and any changes to the biennial targets. It also limits the new energy storage and microgrid certification requirement to contractors doing installations of energy-storage systems on commercial properties on or after July 1, 2022.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 438.

SUMMARY—Revises provisions relating to structured settlements. (BDR 3-960)

AN ACT relating to structured settlements; requiring structured settlement purchase companies to register with the ~~[Secretary of State;]~~ Consumer Affairs Division of the Department of Business and Industry; prohibiting certain activities by structured settlement purchase companies and their employees

and representatives; setting forth procedures and requirements concerning the transfer of structured settlement payment rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Structured settlements are arrangements in which periodic payments are made to a person who, because of a settlement or a judgment of a court, is entitled to receive payments for damages from a tort claim or workers' compensation claim. Such a person, known as a payee, may transfer the right to receive some or all of those periodic payments to another person, known as a structured settlement purchase company, in exchange for consideration such as a lump-sum payment. Existing law requires such transfers to be approved by a court and sets forth certain requirements relating to such transfers. (NRS 42.030) This bill replaces the existing requirements concerning such transfers with new requirements.

Sections 4-28 of this bill define necessary terms for the regulation of structured settlement purchase companies and their activities, including, without limitation, "payee," "structured settlement purchase company" and "transfer."

Section 29 of this bill: (1) requires structured settlement purchase companies to register with the ~~[Secretary of State;]~~ Consumer Affairs Division of the Department of Business and Industry; and (2) sets forth requirements concerning registration, such as obtaining a surety bond, letter of credit or cash bond in the amount of $50,000. Sections 30 and 31 of this bill set forth further requirements concerning registration, section 33 of this bill sets forth further requirements concerning surety bonds obtained for registration and section 34 of this bill provides that certain persons are not required to register.

Section 35 of this bill: (1) prohibits structured settlement purchase companies and their employees and representatives from engaging in various specified actions; and (2) provides a private right of action to payees and other structured settlement purchase companies to pursue and obtain damages and other remedies from a person who engages in prohibited activities. Section 32 of this bill requires a structured settlement purchase company to notify the ~~[Secretary of State]~~ Division and, if applicable, the surety which issued the applicable surety bond, if a judgment is obtained against the structured settlement purchase company.

Section 37 of this bill requires a structured settlement purchase company to provide to a payee an extensive disclosure statement before a transfer may occur.

Sections 36, 38 and 40 of this bill set forth requirements concerning: (1) the filings a structured settlement purchase company must make with a court before a transfer may occur; (2) the findings a court must make before a transfer may occur; and (3) procedures to be followed in obtaining court approval of a transfer, including, without limitation, notice requirements.

Section 39 of this bill describes the rights of various interested parties after the transfer of structured settlement payment rights, section 41 of this bill sets

forth various protections for payees and sections 41 and 43 of this bill provide that the provisions of this bill apply only to transfer agreements entered into on or after October 1, 2021.

Section 44 of this bill repeals the existing statute which is being replaced by the provisions of this bill, and section 42 of this bill makes a conforming change to delete a reference to the repealed statute and add a new reference to the appropriate section in this bill.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 41, inclusive, of this act.

Sec. 2. *Sections 2 to 41, inclusive, of this act, may be known and cited as the Structured Settlement Protection Act.*

Sec. 3. *As used in sections 2 to 41, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.*

Sec. 5. *"Assignee" means a person acquiring or proposing to acquire structured settlement payments from a structured settlement purchase company or transferee after, or concurrently with, the transfer of the structured settlement payment rights by the payee to the structured settlement purchase company or transferee.*

Sec. 6. *"Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including, without limitation, alimony.*

Sec. 7. *"Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the Internal Revenue Service.*

Sec. 7.5. *"Division" means the Consumer Affairs Division of the Department of Business and Industry.*

Sec. 8. *"Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights, before any reductions for transfer expenses or other deductions to be made from such consideration.*

Sec. 9. *"Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser.*

Sec. 10. *"Interested party" means, with respect to any structured settlement, the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death, the annuity issuer, ~~[if any,]~~ the structured settlement obligor and any party to the structured settlement that has continuing obligations to make payments under the structured settlement.*

Sec. 11. *"Net advance amount" means the gross advance amount, less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under section 37 of this act.*

Sec. 12. *"Payee" means a natural person who:*

1. Is receiving tax-free payments under a structured settlement which resolved a settled claim; and

2. Proposes to make a transfer of the structured settlement payment rights.

Sec. 13. *"Periodic payments" includes both recurring payments and scheduled future lump-sum payments.*

Sec. 14. *"Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of section 130 of the Internal Revenue Code, 26 U.S.C. § 130.*

Sec. 15. *"Renewal date" means the date on which a registered structured settlement purchase company is required to renew its registration pursuant to section 29 of this act, which date is 1 year after the initial registration or any subsequent renewal.*

Sec. 16. *"Settled claim" means the tort claim or workers' compensation claim resolved by a structured settlement.*

Sec. 17. *"Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim or workers' compensation claim.*

Sec. 18. *"Structured settlement agreement" means the agreement, judgment, stipulation or release embodying the terms of a structured settlement.*

Sec. 19. *"Structured settlement obligor" means, with respect to any structured settlement, the party that has the continuing obligation to make periodic payments to the payee under a structured settlement agreement or qualified assignment agreement.*

Sec. 20. *"Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, ~~[if any,]~~ where the payee is domiciled in this State or the structured settlement agreement was approved by a court in this State.*

Sec. 21. *"Structured settlement purchase company" means a person that acts as a transferee in this State and who is registered with the ~~[Secretary of State]~~ Division pursuant to section 29 of this act.*

Sec. 22. *"Structured settlement transfer proceeding" means a court proceeding filed by a structured settlement purchase company seeking court approval of a transfer in accordance with section 38 of this act.*

Sec. 23. *"Terms of the structured settlement," with respect to any structured settlement, includes, without limitation, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement and any order or other approval of any court. ~~[in this State.]~~*

Sec. 24. *"Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance of structured settlement payment rights made*

by a payee for consideration. The term does not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to the insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce a blanket security interest against the structured settlement payment rights.

Sec. 25. *"Transfer agreement" means the agreement providing for a transfer of structured settlement payment rights.*

Sec. 26. *"Transfer expense" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorney's fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions and other payments to a broker or other intermediary. The term does not include preexisting obligations of the payee payable for the payee's account from the proceeds of the transfer.*

Sec. 27. *"Transfer order" means an order approving a transfer in accordance with section 38 of this act.*

Sec. 28. *"Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.*

Sec. 29. *1. A person shall not act as a transferee, attempt to acquire structured settlement payment rights through a transfer from a payee who resides in this State or file a structured settlement transfer proceeding in this State unless the person is registered with the ~~[Secretary of State]~~ Division to do business in this State as a structured settlement purchase company.*

2. A person may apply pursuant to this section with the ~~[Secretary of State]~~ Division for a registration to do business in this State as a structured settlement purchase company. An application for an initial or renewed registration must be submitted on a form prescribed by the ~~[Secretary of State.]~~ Division. An initial or renewed registration expires 1 year after it is issued and may be renewed by the registrant on or before the renewal date for additional 1-year periods.

3. The application must contain a sworn certification by an owner, officer, director or manager of the applicant, if the applicant is not a natural person, or by the applicant if the applicant is a natural person, certifying that:

(a) The applicant has secured a surety bond, has been issued a letter of credit or has posted a cash bond in the amount of $50,000 which relates to its business as a structured settlement purchase company in this State;

(b) The surety bond, letter of credit or cash bond:

(1) Is intended to protect payees who do business with the applicant when the applicant is acting as a structured settlement purchase company; and

(2) Complies with all applicable provisions of sections 2 to 41, inclusive, of this act; and

(c) The applicant will comply with all of the provisions of sections 2 to 41, inclusive, of this act when acting as a structured settlement purchase company and filing structured settlement transfer proceedings in this State.

4. The applicant must submit to the ~~[Secretary of State]~~ Division with each initial and renewal application a copy of the surety bond, letter of credit or cash bond obtained by the applicant for the purposes of subsection 3.

5. A surety bond obtained for the purposes of subsection 3 must be payable to the State of Nevada.

6. A surety bond, letter of credit or cash bond obtained for the purposes of subsection 3 must be effective ~~[for at least the period of time during which the registration sought by the applicant is intended to be effective.]~~ concurrently with the registration of the applicant and must remain in effect for not less than 3 years after the expiration or termination of the registration. The surety bond, letter of credit or cash bond must be renewed each year as needed to keep it continuously in effect when the registration of the applicant is renewed unless the applicant obtains alternative security described in paragraph (a) of subsection 3 which complies with all applicable provisions of sections 2 to 41, inclusive, of this act.

7. A surety bond, letter of credit or cash bond obtained for the purposes of subsection 3 must:

(a) Ensure that the structured settlement purchase company:

(1) Complies with the provisions of sections 2 to 41, inclusive, of this act which relate to a payee; and

(2) Performs its obligations to a payee pursuant sections 2 to 41, inclusive, of this act; and

(b) Provide a source for recovery for a payee if the payee obtains a judgment against the structured settlement purchase company for a violation of sections 2 to 41, inclusive, of this act.

Sec. 30. *1. In addition to any other requirements set forth in sections 2 to 41, inclusive, of this act, a natural person who applies for the issuance or renewal of a registration as a structured settlement purchase company shall:*

(a) Include the social security number of the applicant in the application submitted to the ~~[Secretary of State.]~~ Division.

(b) Submit to the ~~[Secretary of State]~~ Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[Secretary of State]~~ Division shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the ~~[Secretary of State.]~~ Division.

3. A registration may not be issued or renewed by the ~~[Secretary of State]~~ Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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

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

Sec. 31. *1. If the ~~[Secretary of State]~~ Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is registered as a structured settlement purchase company, the ~~[Secretary of State]~~ Division shall deem the registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[Secretary of State]~~ Division receives a letter issued to the holder of the registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The ~~[Secretary of State]~~ Division shall reinstate a registration that has been suspended by a district court pursuant to NRS 425.540 if the ~~[Secretary of State]~~ Division receives a letter issued to the holder of the registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 32. *Not later than 10 days after a judgment is obtained against a structured settlement purchase company by a payee, the structured settlement purchase company shall file a notice with the ~~[Secretary of State]~~ Division and, if applicable, the surety which issued the surety bond used by the structured settlement purchase company to satisfy the requirements of section 29 of this act. The notice must contain:*

1. A copy of the judgment;

2. The name and address of the judgment creditor; and

3. The status of the matter, including, without limitation, whether the judgment will be appealed or has been paid or satisfied.

Sec. 33. *1. The liability of the surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act must not be affected by any:*

(a) Breach of contract, breach of warranty, failure to pay a premium or other act or omission of the structured settlement purchase company; or

(b) Insolvency or bankruptcy of the structured settlement purchase company.

2. A surety which issued a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act and the structured settlement purchase company which obtained the surety bond shall not cancel or modify the surety bond during the term for which it is issued unless the surety or the structured settlement purchase company provides written notice to the ~~[Secretary of State]~~ Division at least 20 days before the effective date of the cancellation or modification.

3. If a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act is modified so as to make the surety bond not comply with any provision of sections 2 to 41, inclusive, of this act, or the surety bond is cancelled, the registration of the structured settlement purchase company automatically expires on the effective date of the modification or cancellation unless a new surety bond, letter of credit or cash bond which complies with sections 2 to 41, inclusive, of this act is filed with the ~~[Secretary of State]~~ Division on or before the effective date of the modification or cancellation.

4. A modification or cancellation of a surety bond used by a structured settlement purchase company to satisfy the requirements of section 29 of this act does not affect any liability of the bonded surety company incurred before the modification or cancellation of the surety bond.

Sec. 34. *1. An assignee is not required to register as a structured settlement purchase company to acquire structured settlement payment rights ~~[from a transferee, structured settlement purchase company or another assignee, or to take a security interest in structured settlement payment rights from a transferee, structured settlement purchase company or another assignee, in a transaction in which the assignee does not act as a structured settlement purchase company or as a transferee under sections 2 to 41, inclusive, of this act.]~~ or to take a security interest in structured settlement payment rights that were transferred by the payee to a structured settlement purchase company.*

2. An employee of a structured settlement purchase company, if acting on behalf of the structured settlement purchase company in connection with a transfer, is not required to be registered.

Sec. 35. *1. A transferee, a structured settlement purchase company and an employee or other representative of a transferee or structured settlement purchase company shall not engage in any of the following actions:*

(a) Pursue or complete a transfer with a payee without complying with all applicable provisions of sections 2 to 41, inclusive, of this act.

(b) Refuse or fail to fund a transfer after court approval of the transfer.

(c) Acquire structured settlement payment rights from a payee without complying with all applicable provisions of sections 2 to 41, inclusive, of this act, including, without limitation, obtaining court approval of the transfer in accordance with sections 2 to 41, inclusive, of this act.

(d) Intentionally file a structured settlement transfer proceeding in any court other than the court specified in section 40 of this act, unless the transferee is required to file in a different court by applicable law.

(e) Except as otherwise provided in this paragraph, pay a commission or finder's fee to any person for facilitating or arranging a structured settlement transfer with a payee. The provisions of this paragraph do not prevent a structured settlement purchase company from paying:

(1) A commission or finder's fee to a person who is a structured settlement purchase company or is an employee of a structured settlement purchase company;

(2) To third parties any routine transfer expenses, including, without limitation, court filing fees, escrow fees, lien recordation fees, judgment and lien search fees, attorney's fees and other similar types of fees relating to a transfer; and

(3) A reasonable referral fee to an attorney, certified public accountant, actuary, licensed insurance agent or other licensed professional adviser in connection with a transfer.

(f) Intentionally advertise materially false or misleading information regarding the products or services of the transferee or structured settlement purchase company.

(g) Attempt to coerce, bribe or intimidate a payee seeking to transfer structured settlement payment rights.

(h) Attempt to defraud a payee or any party to a structured settlement transfer or any interested party in a structured settlement transfer proceeding by means of forgery or false identification.

(i) Except as otherwise provided in this paragraph, intervene in a pending structured settlement transfer proceeding if the transferee or structured settlement purchase company is not a party to the proceeding or an interested party relative to the proposed transfer which is the subject of the pending structured settlement transfer proceeding. The provisions of this paragraph do not prevent a structured settlement purchase company from intervening in a pending structured settlement transfer proceeding if the payee has signed a transfer agreement with the structured settlement purchase company within 60 days before the filing of the pending structured settlement transfer proceeding and the structured settlement purchase company which filed the pending structured settlement transfer proceeding violated any provision of sections 2 to 41, inclusive, of this act in connection with the proposed transfer that is the subject of the pending structured settlement transfer proceeding.

(j) Except as otherwise provided in this paragraph, knowingly contact a payee who has signed a transfer agreement and is pursuing a proposed transfer with another structured settlement purchase company for the purpose of inducing the payee into cancelling the proposed transfer or transfer agreement with the other structured settlement purchase company if a structured settlement transfer proceeding has been filed by the other structured settlement purchase company and is pending. The provisions of this

paragraph do not apply if no hearing has been held in the pending structured settlement transfer proceeding within 90 days after the filing of the pending structured settlement transfer proceeding.

(k) Fail to dismiss a pending structured settlement transfer proceeding at the request of the payee. A dismissal of a structured settlement proceeding after a structured settlement purchase company has violated the provisions of this paragraph does not exempt the structured settlement purchase company from any liability under this paragraph.

2. A payee may pursue a private action as a result of a violation of subsection 1 and may recover all damages and pursue all rights and remedies to which the payee may be entitled pursuant to sections 2 to 41, inclusive, of this act or any other applicable law.

3. A structured settlement purchase company may pursue a private action to enforce paragraphs (d), (g), (i), (j) and (k) of subsection 1 and may recover all damages and pursue all remedies to which the structured settlement purchase company may be entitled pursuant to sections 2 to 41, inclusive, of this act or any other applicable law.

4. If a court determines that a structured settlement purchase company or transferee is in violation of subsection 1, the court may:

(a) Revoke the registration of the structured settlement purchase company;

(b) Suspend the registration of the structured settlement purchase company for a period to be determined at the discretion of the court; and

(c) Enjoin the structured settlement purchase company or transferee from filing new structured settlement transfer proceedings in this State or otherwise pursuing transfers in this State.

Sec. 36. *1. At the time ~~[a transfer order is to be signed by a court in which a structured settlement transfer proceeding is filed, each transferee must provide evidence satisfactory to the court]~~ an application is made under sections 2 to 41, inclusive, of this act for the approval of a transfer of structured settlement payment rights, the application of the transferee must include evidence that the transferee is registered to do business in this State as a structured settlement purchase company.*

2. Except as otherwise provided in this subsection, a transfer order signed by a district court of competent jurisdiction pursuant to sections 2 to 41, inclusive, of this act constitutes a qualified order under 26 U.S.C. § 5891. If a transferee to which the transfer order applies is not registered as a structured settlement purchase company pursuant to sections 2 to 41, inclusive, of this act at the time the transfer order is signed, the transfer order does not constitute a qualified order under 26 U.S.C. § 5891.

Sec. 37. *Not less than 3 days before the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than 14-point font, setting forth the following:*

1. The amounts and due dates of the structured settlement payments to be transferred.

2. The aggregate amount of such payments.

3. The discounted present value of the payments to be transferred, which must be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the Applicable Federal Rate used in calculating such discounted present value.

4. The gross advance amount.

5. An itemized listing of all applicable transfer expenses, other than attorney's fees and related disbursements, payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such attorney's fees and related disbursements.

6. The effective annual interest rate, which must be disclosed in a statement in the following form:

On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will, in effect be paying interest to us at a rate of ___ percent per year.

7. The net advance amount.

8. The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee.

9. That the payee has the right to cancel the transfer agreement, without penalty or further obligation, until the transfer is approved by the court.

10. That the payee has the right to seek and receive independent professional advice regarding the proposed transfer and should consider doing so before agreeing to transfer any structured settlement payment rights.

11. That the payee has the right to seek out and consider additional offers for transferring the structured settlement payment rights and should do so.

Sec. 38. *A direct or indirect transfer of structured settlement payment rights is not effective, and a structured settlement obligor or annuity issuer is not required to make any payment directly or indirectly to any transferee or assignee of structured settlement payment rights, unless the transfer has been approved in advance in a final court order based on express findings by the court that all of the following apply:*

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents, if any;

2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived in writing the opportunity to seek and receive such advice; and

3. The transfer does not contravene any applicable statute or any applicable order of any court or other governmental authority.

Sec. 39. *1. Following a transfer of structured settlement payment rights, the structured settlement obligor and* ~~*[, if applicable,]*~~ *the annuity issuer may rely on the transfer order in redirecting periodic payments to an assignee or transferee in accordance with the transfer order and is, as to all*

parties except the transferee or an assignee designated by the transferee, discharged and released from any and all liability for the redirected payments. The discharge and release is not affected by the failure of any party to the transfer to comply with sections 2 to 41, inclusive, of this act or with the transfer order.

2. The transferee is liable to the structured settlement obligor and ~~*[, if applicable,]*~~ *the annuity issuer:*

(a) If the transfer contravenes the terms of the structured settlement, for any taxes incurred by the structured settlement obligor or annuity issuer as a consequence of the transfer; and

(b) For any other liabilities or costs, including reasonable costs and attorney's fees, arising from:

(1) Compliance by the structured settlement obligor or annuity issuer with the transfer order; and

(2) The failure of any party to the transfer to comply with sections 2 to 41, inclusive, of this act.

3. The structured settlement obligor and ~~*[, if applicable,]*~~ *the annuity issuer are not required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees.*

4. Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of sections 2 to 41, inclusive, of this act.

Sec. 40. *1. An application under sections 2 to 41, inclusive, of this act for approval of a transfer of structured settlement payment rights must be made by the transferee. The application must be brought in the district court of the county in which the payee is domiciled, except that if the payee is not domiciled in this State, the application must be brought in the court in this State that approved the structured settlement agreement.*

2. A timely hearing must be held on an application for approval of a transfer of structured settlement payment rights. The payee must appear in person at the hearing, unless the court determines that good cause exists to excuse the payee from appearing in person.

3. Not less than 20 days before the scheduled hearing on any application for approval of a transfer of structured settlement payment rights pursuant to sections 2 to 41, inclusive, of this act, the transferee shall file with the court and serve on all interested parties a notice of the proposed transfer and the application for authorization. The notice and application must include all of the following:

(a) A copy of the transferee's application.

(b) A copy of the transfer agreement.

(c) A copy of the disclosure statement required by section 37 of this act.

(d) The payee's name, age and county of domicile, and the age of each of the payee's dependents, if any.

(e) A summary of:

(1) All prior transfers by the payee to the transferee or an affiliate of the transferee, or through the transferee or an affiliate of the transferee to an assignee, within the 4 years immediately preceding the date of the transfer agreement;

(2) All proposed transfers by the payee to the transferee or an affiliate of the transferee, or through the transferee or an affiliate of the transferee, the applications for approval of which were denied within the 2 years immediately preceding the date of the transfer agreement;

(3) All prior transfers by the payee to any person or entity other than the transferee or an affiliate of the transferee or an assignee of the transferee or an affiliate of the transferee within the 3 years immediately preceding the date of the transfer agreement ~~*[;]*~~ *, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known to the transferee; and*

(4) All prior proposed transfers by the payee to any person or entity other than the transferee or an affiliate of the transferee or an assignee of a transferee or affiliate of the transferee, the applications for approval of which were denied within the 1 year immediately preceding the date of the current transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known to the transferee.

(f) Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or by participating in the hearing.

(g) Notification of the time and place of the hearing and notification of the manner in which and the date by which written responses to the application must be filed to be considered by the court, which date must not be less than 5 days before the hearing.

(h) Evidence of the transferee's registration to do business in this State as a structured settlement purchase company.

Sec. 41. *1. The provisions of sections 2 to 41, inclusive, of this act may not be waived by a payee.*

2. Any transfer agreement entered into by a payee who is domiciled in this State must provide that disputes under the transfer agreement, including, without limitation, any claims that the payee has breached the agreement, must be determined under the laws of this State. A transfer agreement must not authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

3. A transfer of structured settlement payment rights must not extend to any payments that are life-contingent unless, before the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the structured settlement obligor and the annuity issuer ~~*[, if any,]*~~ *for periodically confirming*

the payee's survival and giving the structured settlement obligor and the annuity issuer prompt written notice in the event of the payee's death.

4. If the payee cancels a transfer agreement, or if the transfer agreement otherwise terminates, after an application for approval of a transfer of structured settlement payment rights has been filed and before it has been granted or denied, the transferee must promptly request the dismissal of the application.

5. A payee who proposes to make a transfer of structured settlement payment rights does not incur any penalty, forfeit any application fee or other payment or otherwise incur any liability to the proposed transferee or any assignee based on any failure of the transfer to satisfy the conditions of sections 2 to 41, inclusive, of this act.

6. Nothing contained in sections 2 to 41, inclusive, of this act ~~[may be]~~ shall:

(a) Be construed to authorize any transfer of structured settlement payment rights in contravention of any applicable law or to imply that any transfer under a transfer agreement entered into before October 1, 2021, is valid or invalid.

(b) Affect the validity of any transfer of structured settlement payment rights, whether under a transfer agreement entered into before or after October 1, 2021, in which the structured settlement obligor and annuity issuer waived, or have not asserted their rights under, terms of the structured settlement prohibiting or restricting the sale, assignment or encumbrance of the structured settlement payment rights.

7. Compliance with the requirements set forth in sections 2 to 41, inclusive, of this act and fulfillment of the conditions set forth in sections 2 to 41, inclusive, of this act are solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer, if any, has any responsibility for, or any liability arising from, noncompliance with such requirements or failure to fulfill such conditions.

8. Sections 2 to 41, inclusive, of this act apply to any transfer of structured settlement payment rights under a transfer agreement entered into on or after October 1, 2021. ~~[, including, without limitation, any transfer in which the structured settlement obligor and annuity issuer, if any, waived, or have not objected to the transfer based upon, the terms of the settlement agreement prohibiting sale, assignment or encumbrance of the payee's structured settlement payment rights.]~~

Sec. 42. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, an account debtor on an account, chattel paper or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may

discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to subsection 8, notification is ineffective under subsection 1:

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;

(2) A portion has been assigned to another assignee; or

(3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to subsection 8, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in subsection 5 and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.

6. Subject to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

(a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer

of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to subsection 8, an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is a natural person and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to ~~[NRS 42.030.]~~ *section 36 of this act.*

Sec. 43. 1. The provisions of this act do not apply to a transfer agreement entered into before October 1, 2021.

2. As used in this section, "transfer agreement" has the meaning ascribed to it in section 25 of this act.

Sec. 44. NRS 42.030 is hereby repealed.

Sec. 45. 1. This act becomes effective on October 1, 2021.

2. Sections 30 and 31 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666, the federal law requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

42.030 Court approval of agreement to transfer structured settlement required.

1. An agreement to transfer the right to receive payments pursuant to a structured settlement to a transferee is valid and enforceable only if the transfer is approved by a district court. The transferee must petition the district court for such approval and the court shall approve the transfer if it determines that:

(a) The transfer is in the best interest of the payee, considering the totality of the circumstances, including, without limitation, the welfare and support of the dependents of the payee;

(b) The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has received such independent professional advice or has knowingly waived such advice in writing; and

(c) The transfer does not violate any applicable law or the order of any court.

2. An action pursuant to subsection 1 must be commenced in the district court:

(a) Located where the original claim which gave rise to the structured settlement was filed; or

(b) Within the county in which the payee resides.

3. Not later than 7 days before a hearing on a petition pursuant to subsection 1, the transferee must file with the district court and serve on all interested parties and any attorney who represented the payee in the action which resulted in the settled claim a notice of the proposed agreement and the petition for authorization of the proposed agreement. The notice must include, without limitation:

(a) A copy of the petition of the transferee;

(b) A copy of the proposed agreement;

(c) A copy of the disclosure required pursuant to subsection 4;

(d) A list which includes the name and age of each dependent of the payee;

(e) A statement that any interested party may support, oppose or otherwise respond to the petition of the transferee by appearing in person or by counsel during the hearing on the petition or by submitting written comments to the court; and

(f) Notice of the time and place of the hearing, the manner in which a written response to the application must be filed and the date by which a written response to the petition must be filed for consideration by the court.

4. A transferee who commences an action pursuant to subsection 1 must provide to the court with the proposed agreement a disclosure setting forth:

(a) The amounts and due dates of the payments under the structured settlement proposed to be transferred;

(b) The aggregate amount of the proposed payments to be transferred;

(c) The amount to be paid to the payee for the transfer before deducting any expenses;

(d) An itemized list of all expenses that the payee will be required to pay other than attorney's fees and which will be deducted from the amount paid to the payee for the transfer, including, without limitation, any commission owed to a broker, service charges, application or processing fees, costs of closing on the agreement, filing or administrative charges and fees paid to a notary public;

(e) The amount to be paid to the payee for the transfer after deducting the expenses;

(f) The amount of any liquidated damages which the payee is required to pay if the payee breaches the transfer agreement;

(g) The discounted present value of the payments under the structured settlement that are proposed to be transferred and the discount rate used to determine that value; and

(h) If adverse tax consequences exist, a statement which informs the payee that such a transfer may subject the payee to adverse tax consequences with regard to the payment of federal income tax.

5. Compliance with the requirements set forth in this section may not be waived.

6. As used in this section:

(a) "Annuity issuer" means an insurer who has issued a contract to fund periodic payments under a structured settlement;

(b) "Dependents" include, without limitation, the spouse of a payee, any minor child of a payee and any other person for whom the payee is legally obligated to provide support, including, without limitation, alimony;

(c) "Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser;

(d) "Interested parties" means the payee, any beneficiary irrevocably designated under the annuity contract to receive payments following the death of the payee, the annuity issuer, any person who is obligated to make payments pursuant to the structured settlement and any other party who has continuing rights or obligations under the structured settlement;

(e) "Payee" means a person who is receiving tax-free payments under a structured settlement and proposes to make a transfer of the right to receive payments under that structured settlement;

(f) "Periodic payments" includes, without limitation, both recurring payments and scheduled future lump-sum payments;

(g) "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement;

(h) "Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim;

(i) "Transfer" means any sale, assignment, pledge, hypothecation or other alienation or encumbrance by a payee for consideration of the right to receive payments pursuant to a structured settlement; and

(j) "Transferee" means a party acquiring or proposing to acquire the right to payments pursuant to a structured settlement through a transfer.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 438 to Senate Bill No. 332 replaces the Secretary of State with the Consumer Affairs Unit of the Department of Business and Industry as the appropriate oversight body. It makes various nonsubstantive technical and drafting revisions to the bill that were identified and discussed when the bill was initially heard.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 341.

Bill read second time.

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

Amendment No. 283.

SUMMARY—Revises provisions relating to health care. (BDR 40-62)

AN ACT relating to health care; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to apply for grants to reduce disparities in health care and behavioral health; creating and prescribing the duties of the Kidney Disease Prevention and Education Task Force; ~~[imposing requirements concerning expenditures relating to certain health matters;]~~ creating the Minority Health and Equity Account to hold funding for the Office of Minority Health and Equity within the Department; authorizing the Office to enter into a joint partnership with a public or private entity; requiring a managed care plan that provides behavioral health services to recipients of Medicaid to prepare and implement a plan to ensure the delivery of such services in a culturally competent manner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Health and Human Services, through the Division of Public and Behavioral Health of the Department, to enter into contracts with various entities to carry out its duties relating to mental health and public health. (NRS 433.354, 439.155) Sections 2 and 17 of this bill require the Division to apply for available grants to address disparities in health care and behavioral health due to race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level. Sections 2 and 17 authorize the Division to use a competitive process to select and award a grant of money to a community-based nonprofit organization to serve as lead partner in ensuring that services funded by a grant obtained by the Division are funded and allocated in an equitable manner. Sections 2 and 17 additionally authorize the Division to establish and consult with an advisory committee to ensure that such services are provided in a culturally competent manner. Sections 2 and 17 require the Department to submit to the Legislature annually two reports concerning efforts to address disparities in health care and behavioral health, respectively, due to race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level.

Section 4 of this bill creates the Kidney Disease Prevention and Education Task Force and section 3 of this bill defines the term "Task Force" to refer to that Task Force. Section 5 of this bill prescribes the duties of the Task Force, which include: (1) collaborating with certain persons and entities to examine, provide education concerning and raise awareness of issues related to kidney disease; (2) developing a sustainable plan to raise awareness concerning early detection of kidney disease, promote transplantation, increase equity in health care and reduce the frequency and severity of kidney disease in this State; and (3) submitting an annual report to the Legislature concerning the activities of

the Task Force. Section 18 of this bill removes the requirement that the Task Force submit an annual report to the Legislature after 5 years.

Existing law creates the Office of Minority Health and Equity within the Department of Health and Human Services to: (1) improve the quality of health care services for members of minority groups; (2) increase access to health care services for members of minority groups; (3) disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups; and (4) develop recommendations for changes in policy and advocate on behalf of minority groups. (NRS 232.474) Section 8 of this bill creates the Minority Health and Equity Account to hold money provided to the Office through appropriations, gifts, grants and donations. Section 8 provides that such money does not revert to the State General Fund. Section 10 of this bill makes a conforming change to indicate the placement of section 8 in the Nevada Revised Statutes. Section 11 of this bill authorizes the Office to enter into joint partnerships with public and private entities to carry out its purposes.

~~[Existing law requires the Chief of the Budget Division of the Office of Finance to biennially prepare a proposed budget for the Executive Department of the State Government for the next 2 fiscal years. (NRS 353.185) Sections 12 and 13 of this bill require that any expenditure proposed by that budget for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color must be proposed to be made in a manner that is in direct proportion to the disproportionate effect of that health care issue on each of those groups. Section 6 of this bill requires the Legislature to ensure that any money appropriated or authorized for a health care issue that disproportionately affects those groups is distributed in direct proportion to the disproportionate effect of that health care issue on each of those groups.~~

~~Existing law requires any department, institution or agency of the Executive Department to submit any request for the revision of the work program of the department, institution or agency for approval by the Chief and, for certain significant expenditures, the Interim Finance Committee. (NRS 353.220) Section 14 of this bill requires: (1) any proposed revision to a work program related to money for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color to be proposed to be made in a manner that is in direct proportion to the disproportionate effect of that health care issue on each of those groups; and (2) the Interim Finance Committee to consider, when acting on the proposed revision, whether the revision is proposed to be made in such a manner.~~

~~Existing law requires certain gifts and grants to a state agency to be approved by the Interim Finance Committee. Section 15 of this bill requires the Interim Finance Committee, when acting on a proposed gift or grant, to consider whether a proposed gift or grant for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color is proposed to be expended in a manner that is in direct proportion to the disproportionate effect of that health care issue on each of those groups. Section 7 of this bill~~

~~requires the Fiscal Analysis Division of the Legislative Counsel Bureau to prepare and post on the Internet annually a report concerning actions taken by the Interim Finance Committee and the Legislature pursuant to sections 6, 14 and 15 to ensure that expenditures on health care issues that disproportionately affect Black and Indigenous persons and other persons of color are made in a manner that is in direct proportion to the disproportionate effect of that health care issue on each of those groups.]~~

Existing law requires the Department to administer Medicaid and the Children's Health Insurance Program. (NRS 422.270) Section 16 of this bill requires the Division of Health Care Financing and Policy of the Department to require a managed care organization that provides behavioral health services to recipients of Medicaid or the Children's Health Insurance Program to prepare and implement a plan to ensure that such services are provided in a culturally competent manner if such a requirement is practicable. If the Division imposes such a requirement, section 16 requires the managed care organization to establish a committee of interested persons to conduct an ongoing review of the plan.

WHEREAS, As stated by James Baldwin, "Not everything that is faced can be changed, but nothing can be changed until it is faced"; and

WHEREAS, Systemic racism and structures of racial discrimination create generational poverty and perpetuate debilitating economic, educational and health hardships for persons of color, causing the single most profound economic and social challenge facing Nevada; and

WHEREAS, This economic and social challenge has been exacerbated by the COVID-19 pandemic; and

WHEREAS, Nearly 49 percent of Nevada's population is represented by persons of color, including persons who are Black, Indigenous, Hispanic, Asian or Pacific Islander and persons of more than one racial or ethnic background; and

WHEREAS, Nevada is a growing and diverse state with continually shifting demographics; and

WHEREAS, Racism has deep, harmful impacts and unfairly disadvantages Black and Indigenous persons and other persons of color (BIPOC) and has impeded solutions necessary to achieve racial parity; and

WHEREAS, Providers of health care have long noted the existence of racial and ethnic disparities in our health care system, and these inequalities have led to a disproportionate negative impact on BIPOC communities during the COVID-19 pandemic; and

WHEREAS, The chronic stress of racism affects the mental and physical health of the members of BIPOC communities and, in particular, affects the mental and physical health of Black Americans on a daily basis to a greater degree than other groups; and

WHEREAS, During the 32nd Special Session of the Legislature, the Legislature adopted Senate Concurrent Resolution No. 1, which declared that

systemic racism and structures of racial discrimination constitute a public health crisis; now, therefore,

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

Section 1. Chapter 439 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 Division shall apply for grants available from ~~[any source, including, without limitation,]~~ the Federal Government ~~[,]~~ and other sources to support the provision of health care services or other services to promote physical well-being in communities with higher risk of health problems, decreased access to or usage of health care services or worse health outcomes or physical well-being than the general population based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level.*

2. To the extent authorized by the terms of a grant obtained pursuant to subsection 1, the Division may:

(a) Use a competitive process to select and award a grant of money to a nonprofit organization to serve as a lead partner to ensure that health care services supported by a grant obtained pursuant to subsection 1 are funded and allocated in an equitable manner. The lead partner must:

(1) Be based in the community to which the health care services are to be provided; and

(2) Have demonstrated experience serving that community.

(b) Establish and consult with an advisory committee to ensure that health care services supported by a grant obtained pursuant to subsection 1 are provided in a culturally competent manner. The advisory committee must be composed of representatives of nonprofit organizations that have demonstrated experience serving the community to which the health care services are to be provided.

3. On or before February 1 of each year, the Department shall:

(a) Compile a report that includes, without limitation:

(1) The amount of money allocated by the Department during the immediately preceding calendar year to support the provision of health care services or other services to promote physical well-being in communities with higher risk of health problems, decreased access to or usage of health care services or worse health outcomes or physical well-being than the general population based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level;

(2) A description of the services described in subparagraph (1) that were provided during the immediately preceding calendar year and the efforts made by the Department during the immediately preceding calendar year to locate persons in need of such services and provide such services to those persons;

(3) The number of persons who received the services described in subparagraph (1) and, to the extent available, information regarding the income level, age, race and ethnicity of those persons; and

(4) Any community-based organizations with which the Department collaborated to provide those services; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Commission and the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

Sec. 3. *As used in this section and sections 4 and 5 of this act, unless the context otherwise requires, "Task Force" means the Kidney Disease Prevention and Education Task Force created by section 4 of this act.*

Sec. 4. *1. The Kidney Disease Prevention and Education Task Force is hereby created within the Department of Health and Human Services. The Task Force consists of:*

(a) One member of the Senate who is appointed by the Majority Leader of the Senate;

(b) One member of the Assembly who is appointed by the Speaker of the Assembly;

(c) One member of the Senate who is appointed by the Minority Leader of the Senate;

(d) One member of the Assembly who is appointed by the Minority Leader of the Assembly;

(e) One member who is a representative of the Department, appointed by the Governor;

(f) One member who is a provider of health care, other than a physician, who provides care to patients with kidney disease, appointed by the Co-Chairs;

(g) One member who is a representative of a medical facility with a program related to kidney health, appointed by the Co-Chairs;

(h) One member who is a physician who provides care to patients with kidney disease, appointed by the Co-Chairs;

(i) One member who represents a nonprofit organ procurement organization, appointed by the Co-Chairs;

(j) One member who represents the National Kidney Foundation, or its successor organization, and works primarily in this State, appointed by that organization;

(k) One member who represents the American Kidney Fund, or its successor organization, and works primarily in this State, appointed by that organization;

(l) One member who is a patient who has or has recovered from kidney disease, appointed by the Co-Chairs; and

(m) Any additional members appointed by the Co-Chairs to represent public health clinics, community health centers, organizations to provide

health care to minority populations and insurers. Members appointed pursuant to this paragraph serve at the pleasure of the Co-Chairs.

2. The members appointed to the Task Force pursuant to paragraphs (a) and (b) of subsection 1 shall serve as Co-Chairs.

3. After the initial terms, the members of the Task Force described in paragraphs (a) to (l), inclusive, of subsection 1 serve terms of 2 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

4. The members of the Task Force serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

5. Each member of the Task Force 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 so that the officer or employee 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 political subdivision of this State shall not require an officer or employee who is a member of the Task Force to make up the time the officer or employee is absent from work to carry out duties as a member of the Task Force or use annual leave or compensatory time for the absence.

6. The Department shall provide such administrative support to the Task Force as is necessary to carry out the duties of the Task Force.

7. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Organ procurement organization" has the meaning ascribed to it in NRS 451.534.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. *1. The members of the Task Force shall meet at the call of the Co-Chairs. The Task Force shall prescribe regulations for its own management and government.*

2. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

3. The Task Force shall:

(a) Collaborate with interested persons and entities, including, without limitation, governmental entities and educational institutions, to examine, provide education concerning and increase awareness of chronic kidney disease, kidney transplant, donation of kidneys by living and deceased donors and disparities among races in rates of kidney disease.

(b) Develop a sustainable plan to raise awareness concerning early detection of kidney disease, promote kidney transplant, increase equity in health care services and reduce the frequency and severity of kidney disease in this State. The plan must include, without limitation, ongoing workshops,

seminars, research, preventive screenings, social media campaigns and television and radio advertisements.

(c) Make recommendations concerning kidney health and kidney disease to the Division, the Department, the Legislature and other interested persons and entities.

(d) On or before December 31 of each year, compile a report concerning the activities of the Task Force and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislative Committee on Health Care; and

(2) In even-numbered years, the next regular session of the Legislature.

Sec. 6. ~~[Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*In enacting any bill that appropriates or authorizes money for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color, the Legislature shall ensure that the money is distributed in direct proportion to the disproportionate effect of that health care issue on each of those groups.*~~*]* (Deleted by amendment.)

Sec. 7. ~~[NRS 218F.600 is hereby amended to read as follows:~~

~~218F.600 1. The Fiscal Analysis Division consists of the Senate Fiscal Analyst, the Assembly Fiscal Analyst and such additional staff as the performance of their duties may require.~~

~~2. The Fiscal Analysis Division shall:~~

~~(a) Thoroughly examine all agencies of the State with special regard to their activities and the duplication of efforts between them.~~

~~(b) Recommend to the Legislature any suggested changes looking toward economy and the elimination of inefficiency in government.~~

~~(c) Ascertain facts and make recommendations to the Legislature concerning the budget of the State and the estimates of the expenditure requirements of the agencies of the State.~~

~~(d) Make projections of future public revenues for the use of the Legislature.~~

~~(e) Analyze the history and probable future trend of the State's financial position in order that a sound fiscal policy may be developed and maintained for the State of Nevada.~~

~~(f) Analyze appropriation bills, revenue bills and bills having a fiscal impact upon the operation of the government of the State of Nevada or its political subdivisions.~~

~~(g) Advise the Legislature and its members and committees regarding matters of a fiscal nature.~~

~~(h) *Prepare and cause to be posted on the Internet website of the Legislature annually a report concerning:*~~

~~*(1) In an even-numbered year, actions taken by the Interim Finance Committee in accordance with paragraph (e) of subsection 7 of NRS 353.220 and paragraph (e) of subsection 4 of NRS 353.335; and*~~

~~*(2) In an odd-numbered year, actions taken by the Legislature in accordance with section 6 of this act.*~~

~~*(i)* Perform such other functions as may be assigned to the Fiscal Analysis Division by the Legislature, the Legislative Commission or the Director.]~~ (Deleted by amendment.)

Sec. 8. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Minority Health and Equity Account is hereby created in the State General Fund. The Account must be administered by the Manager. The Manager shall deposit in the Account:

(a) Any legislative appropriations made to the Office; and

(b) Any other money received by the Office pursuant to NRS 232.476.

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charges; and

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

must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The money in the Account must be expended to carry out the purposes of this section and NRS 232.467 to 232.484, inclusive.

Sec. 9. 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 16 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. 10. NRS 232.467 is hereby amended to read as follows:

232.467 As used in NRS 232.467 to 232.484, inclusive, *and section 8 of this act,* unless the context otherwise requires, the words and terms defined in NRS 232.468 to 232.473, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 232.476 is hereby amended to read as follows:

232.476 The Office may:

1. Apply for any available grants and accept any available gifts, grants, appropriations or donations, and use any such gifts, grants, appropriations or donations to carry out its purposes;

2. Contract *or enter into a partnership* with a public or private entity to assist in carrying out its purposes; and

3. Adopt such regulations as are necessary to carry out the provisions of NRS 232.467 to 232.484, inclusive ~~.~~ *, and section 8 of this act.*

Sec. 12. ~~[NRS 353.185 is hereby amended to read as follows:~~

~~353.185 The powers and duties of the Chief are:~~

~~1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.~~

~~2. To develop plans for improvements and economies in organization and operation of the Executive Department, and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.~~

~~3. To cooperate with the State Public Works Division of the Department of Administration in developing comprehensive, long-range plans for capital improvements and the means for financing them.~~

~~4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.~~

~~5. To prepare the executive budget report for the Governor's approval and submission to the Legislature.~~

~~6. To prepare a proposed budget for the Executive Department of the State Government for the next 2 fiscal years, which must:~~

~~(a) Present a complete financial plan for the next 2 fiscal years;~~

~~(b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the Executive Department of the State Government, including those operating on funds designated for specific purposes by the Constitution or otherwise, which must include a separate statement of:~~

~~(1) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; [and]~~

~~(2) *If the expenditure is for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color, the distribution of the money, which must be in direct proportion to the disproportionate effect of that health care issue on each of those groups; and*~~

~~*(3)* The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;~~

~~(c) Set forth all charges for interest and debt redemption during the next 2 fiscal years;~~

~~(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years, and which must, to the extent practicable, provide that each capital project which exceeds a cost of~~

~~$10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium; and~~

~~(c) Set forth the anticipated revenues of the State Government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.~~

~~7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein.~~

~~8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.~~

~~9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.~~

~~10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.~~

~~11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.]~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 353.205 is hereby amended to read as follows:~~

~~353.205 1. The proposed budget for the Executive Department of the State Government for each fiscal year must be set up in four parts:~~

~~(a) Part 1 must consist of a budgetary message by the Governor which includes:~~

~~(1) A general summary of the long-term performance goals of the Executive Department of the State Government for:~~

~~(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services and public safety and health; and~~

~~(II) Other governmental services;~~

~~(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that ratable progress will be made toward achieving those long-term performance goals;~~

~~(3) An outline of any other important features of the financial plan of the Executive Department of the State Government for the next 2 fiscal years; and~~

~~(4) A general summary of the proposed budget setting forth the aggregate figures of the proposed budget in such a manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the proposed budget for the next 2 fiscal years, contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general summary of the proposed budget must be supported by explanatory schedules or statements,~~

~~classifying the expenditures contained therein by organizational units, objects and funds, and the income by organizational units, sources and funds. The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner determined by the Chief.~~

~~(b) Part 2 must embrace the detailed budgetary estimates both of expenditures and revenues as provided in NRS 353.150 to 353.246, inclusive. The information must be presented in a manner which sets forth separately the cost of continuing each program at the same level of service as the current year and the cost, by budgetary issue, of any recommendations to enhance or reduce that level of service. Revenues must be summarized by type, and expenditures must be summarized by program or budgetary account and by category of expense. *If any expenditures are for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color, the expenditures must be proposed to be made in a manner that is in direct proportion to the disproportionate effect of that health care issue on each of those groups.* Part 2 must include:~~

~~(1) The identification of each long-term performance goal of the Executive Department of the State Government for:~~

~~(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services, and public safety and health; and~~

~~(II) Other governmental services,~~

~~→ and of each intermediate objective for the next 2 fiscal years toward achieving those goals.~~

~~(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that those intermediate objectives will be met and progress will be made toward achieving those long-term performance goals.~~

~~(3) A mission statement and measurement indicators for each department, institution and other agency of the Executive Department of the State Government, which articulate the intermediate objectives and long-term performance goals each such department, institution and other agency is tasked with achieving and the particular measurement indicators tracked for each such department, institution and other agency to determine whether the department, institution or other agency is successful in achieving its intermediate objectives and long-term performance goals, provided in sufficient detail to assist the Legislature in performing an analysis of the relative costs and benefits of program budgets and in determining priorities for expenditures. If available, information regarding such measurement indicators must be provided for each of the previous 4 fiscal years. If a new measurement indicator is being added, a rationale for that addition must be provided. If a measurement indicator is being modified, information must be provided regarding both the modified indicator and the indicator as it existed before modification. If a measurement indicator is being deleted, a rationale for that deletion and information regarding the deleted indicator must be provided.~~

~~(4) Statements of the bonded indebtedness of the State Government, showing the requirements for redemption of debt, the debt authorized and unissued, and the condition of the sinking funds.~~

~~(5) Any statements relative to the financial plan which the Governor may deem desirable, or which may be required by the Legislature.~~

~~(c) Part 3 must set forth, for the Office of Economic Development and the Office of Energy, the results of the analyses conducted by those offices and reported to the Chief pursuant to NRS 353.207 for the immediately preceding 2 fiscal years.~~

~~(d) Part 4 must include a recommendation to the Legislature for the drafting of a general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the Executive Department of the State Government for the next 2 fiscal years, and may include recommendations to the Legislature for the drafting of such other bills as may be required to provide the income necessary to finance the proposed budget and to give legal sanction to the financial plan if adopted by the Legislature.~~

~~2. Except as otherwise provided in NRS 353.211, as soon as each part of the proposed budget is prepared, a copy of the part must be transmitted to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination and retention.~~

~~3. Except for the information provided to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211, parts 1 and 2 of the proposed budget are confidential until the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, regardless of whether those parts are in the possession of the Executive or Legislative Department of the State Government. Part 4 of the proposed budget is confidential until the bills which result from the proposed budget are introduced in the Legislature. As soon as practicable after the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, the information required to be included in the proposed budget pursuant to subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 must be posted on the Internet websites maintained by the Budget Division of the Office of Finance.]~~ (Deleted by amendment.)

Sec. 14. ~~[NRS 353.220 is hereby amended to read as follows:~~

~~353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.~~

~~2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes. *If the request for revision is related to money for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color, the request*~~

~~*must propose a distribution of the money in direct proportion to the disproportionate effect of that health care issue on each of those groups.*~~

~~3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.~~

~~4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency in an amount more than $30,000 would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by 10 percent or $75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.~~

~~5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:~~

~~(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve 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 approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.~~

~~(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.~~

~~(c) 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 request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.~~

~~6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.~~

~~7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:~~

~~(a) The need for the proposed revision; [and]~~

~~(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate [.] ; *and*~~

~~*(c) If the proposed revision relates to a health care issue that disproportionately affects Black and Indigenous persons and other persons of color, whether the revision is proposed in a manner that distributes the money in direct proportion to the disproportionate effect of that health care issue on each of those groups.*~~

~~8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:~~

~~(a) As a result of the acceptance of a gift or grant of property or services pursuant to subsection 5 of NRS 353.335; or~~

~~(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.~~] (Deleted by amendment.)

Sec. 15. ~~[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 [.] ; *and*~~
~~*(e) If the proposed gift or grant is proposed to be used for a health care issue that disproportionately affects Black and Indigenous persons and other persons of color, whether the gift or grant is proposed to be expended by the state agency in direct proportion to the disproportionate effect of that health care issue on each of those groups.*~~
~~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.]~~
(Deleted by amendment.)

Sec. 16. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent practicable, the Division shall require a managed care organization, including, without limitation, a health maintenance organization, that provides behavioral health services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division to prepare and implement a plan to ensure that such services are provided in a culturally competent manner.

2. A plan to ensure that behavioral health services are provided in a culturally competent manner must be approved by the Division and must include, without limitation:

(a) Identification of disparities in the incidence of behavioral health problems, access to or usage of behavioral health services and in behavioral health outcomes based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language and income level, to the extent that data is available to identify such disparities;

(b) Strategies for reducing the disparities identified pursuant to paragraph (a) and the rationale for each strategy;

(c) Mechanisms and goals to measure the effectiveness of the strategies prescribed pursuant to paragraph (b) and, if applicable, the degree to which the managed care organization has achieved goals set forth in previous plans;

(d) Strategies for addressing trauma and providing services in a trauma-informed manner; and

(e) Strategies for soliciting input from persons to whom the managed care organization provides services and other interested persons.

3. If the Division requires a managed care organization to prepare and implement a plan to ensure that behavioral health services are provided in a culturally competent manner, the managed care organization must:

(a) Establish, through an open invitation, a committee of interested persons for the purpose of conducting an ongoing review of the plan. The committee must include, without limitation, state and local government officers and employees, consumers of behavioral health services, advocates for consumers of behavioral health services, experts on reducing disparities in behavioral health and providers of behavioral health services.

(b) Annually update the plan to reflect changes in the population served by the managed care organization and submit the updated plan to the Division for approval.

(c) Post the plan and each updated version of the plan on a publicly available Internet website.

(d) Annually compile, submit to the Division and post publicly on the Internet a report concerning the degree to which the managed care organization has achieved or is progressing toward achieving the goals set forth pursuant to paragraph (c) of subsection 2.

(e) Every third year, submit the plan to the Division for technical assistance and feedback concerning the implementation of the plan.

4. A committee established pursuant to paragraph (a) of subsection 3 must meet at least monthly. Such meetings:

(a) May be conducted remotely or in person; and

(b) Must be open to the public.

5. The Department and the Division shall provide a managed care organization with any demographic information or technical assistance necessary to carry out the requirements imposed pursuant to this section. A managed care organization may solicit any information necessary to carry out the requirements imposed pursuant to this section from persons who receive behavioral health services from the plan.

6. As used in this section, "trauma-informed manner" means a manner that:

(a) Is informed by knowledge of and responsiveness to the effects of trauma;

(b) Emphasizes physical, psychological and emotional safety for persons receiving services; and

(c) Creates opportunities for a person affected by trauma to rebuild a sense of control and empowerment.

Sec. 17. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall apply for grants available from ~~[any source, including, without limitation,]~~ the Federal Government ~~[,]~~ and other sources to support the provision of behavioral health services or other services to promote emotional well-being in communities with higher risk of behavioral health problems, decreased access to or usage of behavioral health care services or worse behavioral health outcomes or emotional well-being than the general population based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level.

2. To the extent authorized by the terms of a grant obtained pursuant to subsection 1, the Division may:

(a) Use a competitive process to select and award a grant of money to a nonprofit organization to serve as a lead partner to ensure that services supported by a grant obtained pursuant to subsection 1 are funded and allocated in an equitable manner. The lead partner must:

(1) Be based in the community to which the services are to be provided; and

(2) Have demonstrated experience serving that community.

(b) Establish and consult with an advisory committee to ensure that services supported by a grant obtained pursuant to subsection 1 are provided in a culturally competent manner. The advisory committee must be composed of representatives of nonprofit organizations that have demonstrated experience serving the community to which the services are to be provided.

3. On or before February 1 of each year, the Department shall:

(a) Compile a report that includes, without limitation:

(1) The amount of money allocated by the Department during the immediately preceding calendar year to support the provision of behavioral health services or other services to promote emotional well-being in communities with higher risk of behavioral health problems, decreased access to or usage of behavioral health services or worse behavioral health outcomes or emotional well-being than the general population based on race, color, ancestry, national origin, disability, familial status, sex, sexual orientation, gender identity or expression, immigration status, primary language or income level;

(2) A description of the services described in subparagraph (1) that were provided during the immediately preceding calendar year and the efforts made by the Department during the immediately preceding calendar year to locate persons in need of such services and provide such services to those persons;

(3) The number of persons who received the services described in subparagraph (1) and, to the extent available, information regarding the income level, age, race and ethnicity of those persons; and

(4) Any community-based organizations with which the Department collaborated to provide those services; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In even-numbered years, the Legislative Commission and the Legislative Committee on Health Care; and

(2) In odd-numbered years, the next regular session of the Legislature.

Sec. 18. Section 5 of this act is hereby amended to read as follows:

Sec. 5. 1. The members of the Task Force shall meet at the call of the Co-Chairs. The Task Force shall prescribe regulations for its own management and government.

2. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the powers conferred on the Task Force.

3. The Task Force shall:

(a) Collaborate with interested persons and entities, including, without limitation, governmental entities and educational institutions, to examine, provide education concerning and increase awareness of chronic kidney disease, kidney transplant, donation of kidneys by living and deceased donors and disparities among races in rates of kidney disease.

(b) Develop a sustainable plan to raise awareness concerning early detection of kidney disease, promote kidney transplant, increase equity in health care services and reduce the frequency and severity of kidney disease in this State. The plan must include, without limitation, ongoing workshops, seminars, research, preventive screenings, social media campaigns and television and radio advertisements.

(c) Make recommendations concerning kidney health and kidney disease to the Division, the Department, the Legislature and other interested persons and entities.

~~[(d) On or before December 31 of each year, compile a report concerning the activities of the Task Force and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) In odd-numbered years, the Legislative Committee on Health Care; and~~

~~(2) In even-numbered years, the next regular session of the Legislature.]~~

Sec. 19. As soon as practicable after July 1, 2021:

1. The Majority Leader of the Senate shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (a) of subsection 1 of section 4 of this act to an initial term of 2 years.

2. The Speaker of the Assembly shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (b) of subsection 1 of section 4 of this act to an initial term of 2 years.

3. The Minority Leader of the Senate shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (c) of subsection 1 of section 4 of this act to an initial term of 2 years.

4. The Minority Leader of the Assembly shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (d) of subsection 1 of section 4 of this act to an initial term of 2 years.

5. The Governor shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (e) of subsection 1 of section 4 of this act to an initial term of 1 year.

6. The Co-Chairs of the Kidney Disease Prevention and Education Task Force shall appoint to the Task Force the members described in paragraphs (f) to (i), inclusive, and (l) of subsection 1 of section 4 of this act to initial terms of 1 year.

7. The National Kidney Foundation shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (j) of subsection 1 of section 4 of this act to an initial term of 2 years.

8. The American Kidney Fund shall appoint to the Kidney Disease Prevention and Education Task Force the member described in paragraph (k) of subsection 1 of section 4 of this act to an initial term of 2 years.

Sec. 20. 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. 21. 1. This section and sections 1 to 17, inclusive, 19 and 20 of this act become effective on July 1, 2021.

2. Section 18 of this act becomes effective on July 1, 2026.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 283 to Senate Bill No. 341 revises sections 2 and 17 to require the Division of Public and Behavioral Health of DHHS to apply for grants from the federal government and other sources. The amendment deletes sections 6, 7, 12, 13, 14 and 15.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 439.

SUMMARY—Revises provisions relating to criminal procedure. (BDR 14-375)

AN ACT relating to criminal procedure; removing the requirement that an arrested person show good cause before being released without bail; ~~[requiring]~~ providing that a court may only impose bail or a condition of release, or both, on a person if the imposition is the least restrictive means necessary to protect the safety of the community and to ensure the appearance

of the person in court; requiring prosecuting attorneys under certain circumstances to prove by clear and convincing evidence that the imposition of bail or a condition of release, or both, on a person is necessary to protect the safety of the community and to ensure the appearance of the person in court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Recently, the Nevada Supreme Court held that a provision of law requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to nonexcessive bail. Specifically, the Nevada Supreme Court held that the provision of law was unconstitutional because it: (1) did not require the court to consider less restrictive conditions of release before determining that the imposition of bail was necessary; and (2) effectively relieved the State from its burden of proving that the imposition of bail on the person was necessary to protect the safety of the community and to ensure the appearance of the person in court. (*Valdez-Jimenez v. Eighth Jud. Dist. Court*, 136 Nev. 155 (2020); Nev. Const. Art. 1, §§ 6, 7; NRS 178.4851) Section 3 of this bill removes the provision of law that was found unconstitutional and section 4 of this bill makes a conforming change.

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

Section 3 requires the court to only impose bail or a condition of release, or both, on a person as it deems to be the least restrictive means necessary to protect the safety of the community and to ensure that the person will appear at all times and places ordered by the court, with regard to certain factors.

Section 3 also requires a prosecuting attorney, if he or she requests the imposition of bail or a condition of release on a person, to prove by clear and convincing evidence that the imposition of bail is necessary to protect the safety of the community and ensure the appearance of the person in court. ~~[Finally, section 3 requires the court to consider the request of the prosecuting attorney before imposing bail or a condition of release, or both, on a person.]~~ Finally, section 3 provides that if a person used a firearm in the commission of the offense for which the person was arrested, there is a rebuttable presumption

that the least restrictive means necessary to ensure the safety of the community includes the imposition of bail or a condition of release, or both.

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

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

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

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

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

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

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

4. A person who fails to appear in the other county as ordered is guilty of failing to appear and shall be punished as provided in NRS 199.335. A sentence of imprisonment imposed for failing to appear in violation of this section must be imposed consecutively to a sentence of imprisonment for the offense out of which the warrant arises.

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

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

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

(a) A court issues an order directing that the person be admitted to bail;

(b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or

(c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

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

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

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

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

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

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, without appearing personally before a magistrate or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

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

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

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

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for

which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

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

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

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

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

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

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

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

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

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

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

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

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a

restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;

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

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

➥ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378, if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

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

~~11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the~~

~~health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[17.]~~ *11.* As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

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

178.4851 1. ~~[Upon a showing of good cause, a court may release without bail any person entitled to bail if it appears to the court that it can impose conditions on the person that will adequately protect the health, safety and welfare~~ If a ~~*prosecuting attorney requests that a court impose bail or a condition of release, or both, on a person, the prosecuting attorney must prove by clear and convincing evidence that the request is the least restrictive means necessary to protect the safety* of the community and ensure that the person will appear at all times and places ordered by the court.~~

~~2. In releasing a person without bail, the court may impose such conditions]~~ *Except as otherwise provided in ~~[subsection]~~ subsections 3 ~~[,]~~ and ~~[after taking into consideration the request of the prosecuting attorney pursuant to subsection 1,]~~ 4, the court shall only impose bail or a condition of release, or both, on a person* as it deems *to be the least restrictive means* necessary to protect the ~~[health,]~~ safety ~~[and welfare]~~ of the community and to ensure that the person will appear at all times and places ordered by the court, *with regard to the factors set forth in NRS 178.4853 and 178.498.*

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

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

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

~~*[4. A court may impose any reasonable condition of release pursuant to subsection 2, including, without limitation*~~, any condition set forth in subsection 11 of NRS 178.484.~~*]*~~

~~3.~~ ~~*:*~~

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

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

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

~~*(d) Prohibiting the person from engaging in specific conduct that may be harmful to the person's own safety or the safety of another person; or*~~

~~*(c) If the person was arrested for an offense punishable as a felony, requiring the person to surrender to the court any passport he or she possesses.]*~~

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

~~[4. Before a person may be released without bail, the]~~

6. The person must ~~[file with the clerk of the court of competent jurisdiction a signed]~~ *sign a* document stating that:

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

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

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

(d) The person understands that any court of competent jurisdiction may revoke the order of release without bail and may order the person into custody or require the person to furnish bail or otherwise ensure the protection of the ~~[health,]~~ safety ~~[and welfare]~~ of the community or the person's appearance ~~[. 5.]~~ *, if applicable.*

7. The document signed pursuant to subsection 6 must be filed with the clerk of the court of competent jurisdiction:

(a) Before the person is released, if the person is released without bail; or

(b) As soon as practicable, but in no event later than the next business day, if bail is imposed by the court.

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

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

(b) Increase the amount of bail pursuant to NRS 178.499, if applicable.

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

~~[6.]~~ *10.* An order issued pursuant to this section that imposes a condition on a person ~~[who is released without bail]~~ must include a provision ordering a law enforcement officer to arrest the person if the law enforcement officer has probable cause to believe that the person has violated a condition of release.

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

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

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

1. The length of residence in the community;

2. The status and history of employment;

3. Relationships with the person's spouse and children, parents or other family members and with close friends;

4. Reputation, character and mental condition;

5. Prior criminal record, including, without limitation, any record of appearing or failing to appear after release on bail or without bail;

6. The identity of responsible members of the community who would vouch for the reliability of the person;

7. The nature of the offense with which the person is charged, the apparent probability of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by the person after release; and

10. Any other factors concerning the person's ties to the community or bearing on the risk that the person may willfully fail to appear.

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

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

1. The nature and circumstances of the offense charged;

2. The financial ability of the defendant to give bail;

3. The character of the defendant; and

4. The factors listed in NRS 178.4853.

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

178.502 1. A person required or permitted to give bail shall execute a bond for the person's appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in ~~*[subsection 2 of]*~~ NRS ~~[178.498,]~~ *178.4851*, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

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

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

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

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

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

transferred to the clerk of the court to which the action or proceeding has been transferred.

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

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

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

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

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

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

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

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 439 to Senate Bill No. 369 revises the bill to provide that a court shall only impose bail or a condition of release or both on a person if it deems doing so to be the least restrictive means necessary to protect the safety of the community and ensure the person will appear at all times and places ordered by the court. It provides that a prosecuting attorney may request bail or another condition of release or both. If requesting bail, the prosecutor must prove by clear-and-convincing evidence why bail is necessary. It provides that if a person used a firearm in committing the act for which the person was arrested, there is a rebuttable presumption that the least restrictive means necessary to secure the community's safety and ensure the person will appear in court includes the imposition of bail or a condition of release or both.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 273.

SUMMARY—Revises provisions relating to food policy. (BDR 50-824)

AN ACT relating to food policy; creating the Home Feeds Nevada Agriculture Food Purchase Program and the Nutritious Food Purchase Account; requiring the Director of the State Department of Agriculture to develop a procedure through which the Director may purchase nutritious foods ~~[for the Supplemental Food Program from certain providers of food before purchasing such food from other providers of food;]~~ that are grown, produced or processed in this State; requiring the Director to distribute nutritious food to ~~[emergency food service providers or]~~ certain food banks; requiring ~~[emergency food service providers and]~~ the food banks to distribute such food to persons in need; requiring the food banks to submit quarterly reports to the Director; requiring the Director ~~[, emergency food service providers and food banks]~~ to submit an annual written ~~[reports]~~ report to the Council on Food Security; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Council on Food Security within the Department of Health and Human Services. (NRS 232.4966) Existing law requires the Council to develop, coordinate and implement a food system that, among other things, increases access to improved food resource programs. (NRS 232.4968) Existing law requires the Director of the State Department of Agriculture to establish a Supplemental Food Program to supplement the supply of food and services provided by programs which provide food to indigent persons. Such programs include food banks, emergency food pantries, soup kitchens and homeless shelters. Existing law requires the Director to purchase and distribute nutritious food to persons in this State who cannot afford to purchase food. Such purchases must be made with funds from the Donated Commodities Account. (NRS 561.485, 561.495)

~~[This]~~ Section 1.7 of this bill creates the Home Feeds Nevada Agriculture Food Purchase Program to supplement the supply to nutritious food which is available to persons through food banks and certain other providers in this State. Section 1.7 authorizes the Director to solicit and accept any gift, grant or donation for the Program, and section 1.5 creates the Nutritious Food Purchase Account in the State General Fund into which any money obtained by the Director for the Program must be deposited. Section 1.7 requires the Director to develop a procedure through which the Director may purchase ~~[the]~~ nutritious food ~~[: (1) from growers and producers operating in this State; (2) if the Director cannot obtain nutritious food from such persons, from food manufacturers operating in this State; or (3) if the Director cannot obtain nutritious food from such persons, from food venders operating]~~ that is grown, produced or processed in this State. ~~[This bill]~~ Section 1.7 additionally requires the Director to distribute the food to ~~[: (1) emergency food service providers; or (2) if an emergency food service provider is not operating in an area or is~~

~~not in need of additional nutritious foods,]~~ certain food banks. ~~[This bill]~~ Section 1.7 requires such ~~[emergency food service providers and]~~ food banks to distribute the nutritious food to persons, emergency food pantries, soup kitchens and homeless shelters based on need ~~[within]~~ in the ~~[boundaries]~~ area that the ~~[emergency food service provider or]~~ food bank ~~[operates.]~~ serves. Section 1.7 requires each food bank to submit a quarterly report to the Director concerning: (1) the amount of nutritious food that was distributed by the food bank; and (2) the manner of such distribution. Finally, ~~[this bill]~~ section 1.7 requires the Director ~~[, emergency food service providers and food banks]~~ to submit an annual written ~~[reports]~~ report containing certain information to the Council on Food Security.

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

Section 1. ~~[NRS 561.495 is hereby amended to read as follows:~~

~~561.495 1. The Director shall establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons, including, without limitation, a food bank, emergency food pantry, soup kitchen and homeless shelter.~~

~~2. The Director may solicit and accept any gift, grant or donation for the Program. Upon receipt of any gift, grant or donation of money, the amount received must be deposited in the Donated Commodities Account created by NRS 561.485. Gifts, grants or donations deposited in the Account must be used in the same manner as other money in the Account.~~

~~3. The Director may maintain and operate central supply services at any center, including a central warehouse or storeroom service.~~

~~4. In carrying out the Program, the Director shall purchase and distribute nutritious food to persons in this State who cannot afford to purchase that food. Except as otherwise provided in subsection 2 of NRS 561.485, the money in the Account must be used in the following proportions:~~

~~(a) Not less than 95 percent must be used to purchase and distribute nutritious foods which are infrequently donated or which will supplement the food which is donated, including, [but not limited to,] *without limitation,* peanut butter, tuna fish, fruit, vegetables, dry milk and stew; and~~

~~(b) Any remainder may be used to provide educational information regarding nutrition and the purchase and preparation of food.~~

~~*5. When purchasing nutritious food pursuant to subsection 4, the Director shall purchase nutritious foods from:*~~

~~*(a) Growers and producers operating in this State;*~~

~~*(b) If the Director cannot obtain nutritious foods from persons described in paragraph (a) due to issues with the price or supply of nutritious foods from such persons, food manufacturers operating in this State; or*~~

~~*(c) If the Director cannot obtain nutritious foods from persons described in paragraph (a) or (b) due to issues with the price or supply of nutritious foods from such persons, food vendors operating in this State who obtain nutritious*~~

~~*foods that are grown, produced, manufactured or processed outside of this State.*~~

~~*— 6. To distribute nutritious food to persons in this State who cannot afford to purchase that food pursuant to subsection 4, the Director shall distribute the nutritious food to:*~~

~~*— (a) Emergency food service providers that operate in this State, which shall distribute the nutritious food to persons, emergency food pantries, soup kitchens and homeless shelters pursuant to subsection 7; or*~~

~~*— (b) If an emergency food service provider is not operating in an area in this State or is not in need of additional nutritious foods, food banks operating in that area, which shall distribute the nutritious food to persons, emergency food pantries, soup kitchens and homeless shelters pursuant to subsection 7.*~~

~~*— 7. Upon receiving nutritious food pursuant to subsection 6, the emergency food service provider or food bank, as applicable, shall distribute the nutritious food to persons, emergency food pantries, soup kitchens or homeless shelters, as applicable, based on need, within the boundaries that the emergency food service provider or food bank, as applicable, operates.*~~

~~*— 8. On or before September 30 of each year:*~~

~~*— (a) The Director shall submit a written report to the Council on Food Security concerning:*~~

~~*— (1) All expenditures from the Donated Commodities Account created by NRS 561.485;*~~

~~*— (2) The number of people and households served; and*~~

~~*— (3) The variety, supply and cost of purchases made pursuant to subsection 5; and*~~

~~*— (b) Any emergency food service provider or food bank that received nutritious food pursuant to subsection 6 shall submit a written report to the Council on Food Security concerning the number of people and households served.*~~

~~*— 9. As used in this section:*~~

~~*— (a) "Council on Food Security" means the Council on Food Security created by NRS 232.4966.*~~

~~*— (b) "Emergency food service provider" means a food bank or other organization that satisfies the criteria for an eligible recipient agency set forth in 7 C.F.R. § 251.5(a).*~~

~~*— (c) "Food manufacturer" means any person engaged in the business of manufacturing or processing food.]*~~ (Deleted by amendment.)

Sec. 1.3. Chapter 561 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. *1. The Nutritious Food Purchase Account is hereby created in the State General Fund for the use of the Director in carrying out the Home Feeds Nevada Agriculture Food Purchase Program in accordance with section 1.7 of this act.*

2. All money received by the Director pursuant to section 1.7 of this act must be deposited in the State Treasury for credit to the Nutritious Food

Purchase Account. The interest and income earned on the money in the Account must be credited to the Account.

Sec. 1.7. 1. The Director shall establish the Home Feeds Nevada Agriculture Food Purchase Program to supplement the supply of nutritious food available to persons through food banks and other providers, as identified in subsection 4.

2. The Director may solicit and accept any gift, grant or donation for the Program. Upon receipt of any gift, grant or donation of money, the amount received must be deposited in the Nutritious Food Purchase Account created by section 1.5 of this act. Gifts, grants and donations deposited in the Account must be used in the same manner as other money in the Account.

3. In carrying out the Program, the Director shall develop a procedure through which nutritious food that is grown, produced or processed in this State may be purchased by the Director and distributed at no cost to food banks in this State for distribution pursuant to subsection 4. The Director shall determine the cost for purchasing such nutritious food through a negotiated process. The money in the Nutritious Food Purchase Account must only be used to pay reasonable expenses related to:

(a) Operating the Program; and

(b) Purchasing, transporting and distributing the nutritious food.

4. Upon receiving the nutritious food pursuant to subsection 3, a food bank shall distribute at no cost the nutritious food to persons, emergency food pantries, soup kitchens or homeless shelters, based on need, in the area that the food bank serves.

5. Any food bank that receives nutritious food pursuant to subsection 3 shall submit a quarterly report to the Director concerning:

(a) The amount of nutritious food that was distributed pursuant to subsection 4; and

(b) The manner in which the nutritious food was distributed pursuant to subsection 4.

6. On or before September 30 of each year, the Director shall submit a written report of the Council on Food Security concerning the following matters from the immediately preceding fiscal year:

(a) All expenditures from the Nutritious Food Purchase Account created by section 1.5 of this act;

(b) The number of people and households served by the Program; and

(c) The variety, supply and cost of purchases made pursuant to subsection 3.

7. As used in this section:

(a) "Council on Food Security" means the Council on Food Security created by NRS 232.4966.

(b) "Food bank" means a food bank or other organization that is a member of the Feeding America network.

Sec. 2. 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 Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 273 to Senate Bill No. 370 deletes most of the provisions of the bill and, instead, requires the Director of the State Department of Agriculture to establish a new supplemental food program, Home Feeds Nevada Agriculture Food Purchase Program, to supplement the supply of nutritious food which is available to persons through food banks and certain other providers in Nevada. The Nutritious Food Purchase Account is established in the State General Fund for deposit of any money obtained by the Director for the Program. Certain additional related reports are required.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 379.

Bill read second time.

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

Amendment No. 185.

SUMMARY—Provides for the collection of certain data concerning providers of health care. (BDR 40-457)

AN ACT relating to health care; requiring the Director of the Department of Health and Human Services to establish and maintain a database ~~[comprised of]~~ comprising information concerning providers of health care who are licensed, certified or registered in this State ~~[,]~~ and develop an electronic data request to collect data for inclusion in the database; requiring or authorizing certain professional licensing boards and agencies that license, certify or register providers of health care to ~~[collect information from applicants for the renewal of a license, certificate or registration;]~~ make the data request available to applicants to renew such licensure, certification or registration; establishing the Health Care Workforce Working Group within the Department to analyze the information in the database and perform certain related duties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Department of Health and Human Services is the agency of the State of Nevada for health planning and development. (NRS 439A.081) Section 5 of this bill requires the Director of the Department to establish and maintain a database ~~[comprised of]~~ comprising information collected from certain applicants for the renewal of a license, certificate or registration as a provider of health care. Section 5 requires that information to include certain demographic information and certain information about the applicant's practice. Section 5 also requires the Director of the Department to develop and make available to licensing boards that license, certify or register providers of health care an electronic data request to obtain information for

inclusion in the database. Sections 12, 14-16, 24, 30, 32 and 33 of this bill require licensing boards that license, certify or register certain providers of health care to ~~[request such information from]~~ make the data request available to each applicant for the renewal of a license, certification or registration ~~[.]~~ through a link on the electronic application form and request those applicants to submit the data request to the Director of the Department. Sections 9, 13, 17-20, 22, 23, 25-29, 35 and 36 of this bill authorize other licensing boards and governmental agencies that license or certify providers of health care to make the data request available to certain applicants and request ~~[such information from]~~ those applicants ~~[for]~~ to submit the data request to the Director of the Department upon the renewal of a license or certificate. Sections 9, 12-20, 22-30 , ~~[and]~~ 32 ~~[, 36]~~ , 33, 35 and 36 of this bill provide that an applicant from whom data is requested is not required to ~~[respond to]~~ complete the request. ~~[Sections 9, 12-20, 22-30 and 32-36 require a board or agency that requests information from applicants for the renewal of a license, certificate or registration to submit the information to the Director for inclusion in the database. Sections 9, 12-20, 22-30 and 32-36 additionally prohibit a licensing board or agency from using the information provided by an applicant for the renewal of a license, certificate or registration when determining whether to renew the license, certificate or registration.]~~ Sections 11, 21, 31 and 34 of this bill make conforming changes.

Section 6 of this bill requires the Director to establish the Health Care Workforce Working Group. Section 7 of this bill prescribes the duties of the Working Group, which include: (1) analyzing the information contained in the database; and (2) making recommendations to professional licensing boards, the Legislature and certain state agencies concerning ways in which to attract more providers of health care to this State and improve health outcomes and public health.

Section 5 of this bill requires the Director to annually publish data from the database that does not contain information that could be used to identify a provider of health care. Section 5 also: (1) requires the Director to provide such data to the Working Group; and (2) authorizes the Working Group to disclose or publish that data under certain circumstances. Sections 5, ~~[9,]~~ 9, 10, 12- 20, 22-30 , ~~[and]~~ 32 ~~[, 36]~~ , 33, 35 and 36 of this bill provide that information collected for submission to the database from providers of health care is otherwise confidential. Section 8 of this bill authorizes the Director to enter into contracts, apply for and accept gifts, grants and donations and adopt regulations to carry out the duties prescribed by this bill.

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

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 4. *"Working Group" means the Healthcare Workforce Working Group established pursuant to section 6 of this act.*

Sec. 5. *1. The Director shall establish and maintain a database of information collected from applicants for the renewal of a license, certificate or registration as a provider of health care. The information in the database must include, for each applicant from whom such information is collected:*

(a) The type of license, certificate or registration held by the applicant;

(b) The race and ethnicity of the applicant;

(c) The primary language spoken by the applicant;

(d) The specialty area in which the applicant practices;

(e) The county of this State in which the applicant spends the majority of his or her working hours;

(f) The address of each location at which the applicant practices or intends to practice and the percentage of working hours spent by the applicant at each location;

(g) The type of practice in which the applicant engages, including, without limitation, individual private practice, group private practice, multispecialty group private practice, government or nonprofit;

(h) The settings in which the applicant practices, including, without limitation, hospitals, clinics and academic settings;

(i) The education and primary and secondary specialties of the applicant;

(j) The average number of hours worked per week by the applicant and the total number of weeks worked by the applicant during the immediately preceding calendar year;

(k) The percentages of working hours during which the applicant engages in patient care and other activities, including, without limitation, teaching, research and administration;

(l) Any planned major changes to the practice of the applicant within the immediately following 5 years, including, without limitation, retirement, relocation or significant changes in working hours; and

(m) Any other information prescribed by regulation of the Director.

2. The Director shall develop and make available to each professional licensing board that licenses, certifies or registers providers of health care an electronic data request that solicits the information described in subsection 1 from an applicant for the renewal of such a license, certificate or registration.

3. Except as otherwise provided in this subsection, information included in the database is confidential and not a public record. The Director shall:

(a) Take all necessary measures to ensure the confidentiality of the identity of providers of health care to whom information in the database pertains, including, without limitation, measures to ensure that the identity of a provider of health care is not ascertainable due to his or her reported profession or the reported location at which he or she practices.

(b) Make data from the database that does not contain any information that could be used to identify an applicant for or the holder of a license, certificate or registration as a provider of health care available to the Working Group. The Working Group may use such data to support the recommendations made pursuant to section 7 of this act or include such data in any report published pursuant to that section.

(c) Publish an annual report of data from the database that does not contain any information that could be used to identify an applicant for or holder of a license, certificate or registration as a provider of health care.

(d) Analyze the data in the database and make periodic reports to the Legislature, the Department and other agencies of the Executive Branch of the State Government concerning ways in which to:

(1) Attract more persons, including, without limitation, members of underrepresented groups, to pursue the education necessary to practice as a provider of health care and practice as a provider of health care in this State; and

(2) Improve health outcomes and public health in this State.

Sec. 6. *1. The Director shall establish the Health Care Workforce Working Group within the Department. The Director shall appoint to the Working Group providers of health care and representatives of:*

(a) Groups that represent providers of health care and consumers of health care;

(b) The Nevada System of Higher Education, universities, state colleges, community colleges and other institutions in this State that train providers of health care;

(c) The Department of Health and Human Services; and

(d) Professional licensing boards that license, certify or register providers of health care.

2. The Director shall appoint a Chair of the Working Group. The Working Group shall meet at the call of the Chair. A majority of the members of the Working Group constitutes a quorum and is required to transact any business of the Working Group.

3. The members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A member of the Working Group 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 Working Group and perform any work necessary to carry out the duties of the Working Group 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 Working Group 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 Working Group; or

(b) Take annual leave or compensatory time for the absence.

5. The Department shall provide such administrative support to the Working Group as is necessary to carry out the duties of the Working Group.

Sec. 7. *1. The Working Group shall:*

(a) Make recommendations to the Director concerning the information included in the database pursuant to section 5 of this act;

(b) Analyze the information contained in the database; and

(c) Make recommendations to the Department of Health and Human Services, the Department of Education, the Board of Regents of the University of Nevada, the Legislature, professional licensing boards that license, certify or register providers of health care and other relevant persons and entities concerning ways in which to:

(1) Attract more persons, including, without limitation, members of underrepresented groups, to pursue the education necessary to practice as a provider of health care and practice as a provider of health care in this State; and

(2) Improve health outcomes and public health in this State.

2. The working group may publish reports of any of its findings or recommendations.

Sec. 8. *1. ~~[The Director shall adopt regulations prescribing the dates on which professional licensing boards must submit information to the Director pursuant to sections 12, 14, 15, 16, 24, 30, 32 and 33 of this act, which must occur at least annually.~~*

~~2.]~~ The Director may:

(a) Adopt any regulations necessary to carry out the provisions of sections 2 to 8, inclusive, of this act;

(b) Enter into any contracts or agreements necessary to carry out the provisions of sections 2 to 8, inclusive, of this act; and

(c) Apply for and accept any gifts, grants and donations to carry out the provisions of sections 2 to 8, inclusive, of this act.

~~[3.]~~ 2. If the Director enters into a contract or agreement pursuant to this section for the establishment or maintenance of the database, the analysis of data or the issuance of reports pursuant to section 5 of this act, the contract must provide the Director with unrestricted access to any data maintained by the contracting entity and any analysis or reporting performed by the contracting entity.

Sec. 9. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The health authority may ~~[request each applicant for the renewal of a license as an attendant or a certificate as an emergency medical technician, advanced emergency medical technician or paramedic to provide the information described in section 5 of this act to the health authority. If the health authority does so, the health authority must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]~~ :

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license as an attendant or a certificate as an emergency medical technician, advanced emergency medical technician or paramedic through a link on the electronic application for the renewal of a license or certificate; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for a renewal of a license or certificate pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or certificate is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or certificate, for failure to do so.

~~*[4. The health authority shall not use any information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 when determining whether to renew the license or certificate. This subsection must not be construed to restrict the ability of the health authority to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 10. 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 sections 5, 9, 12 to 20, inclusive, 22 to 30, inclusive, 32, 33, 35 and 36 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. 11. NRS 437.060 is hereby amended to read as follows:

437.060 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive ~~[;]~~ *, and section 26 of this act;*

8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. A person who provides applied behavior analysis services to a pupil in a public school in a manner consistent with the training and experience of the person,

➥ if such a person does not commit an act described in NRS 437.510 or represent himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician.

Sec. 12. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for a biennial registration pursuant to NRS 630.267 or the renewal of a license pursuant to this chapter through a link on the electronic application for a biennial registration or the renewal of a license; and

(b) Request each applicant ~~[for a biennial registration pursuant to NRS 630.267 or the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board; and~~

~~*(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]*~~ *to complete and electronically submit the data request to the Director.*

2. The information provided by an applicant for a biennial registration or the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for a biennial registration or the renewal of a license is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to issue the biennial registration or renew the license, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for a biennial registration or the renewal of a license pursuant to subsection 1 when determining whether to issue the biennial registration or renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 13. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license or certificate pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license or certificate pursuant to this chapter through a link on the electronic application for the renewal of a license or certificate; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or certificate is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or certificate, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 when determining whether to renew the license or certificate. This subsection must*~~

~~*not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 14. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant ~~*[for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board; and*~~

~~*(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]*~~ *to complete and electronically submit the data request to the Director.*

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 15. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license or certificate pursuant to this chapter through a link on the electronic application for the renewal of a license or certificate; and

(b) Request each applicant ~~*[for the renewal of a license or certificate pursuant to this chapter to provide the information described in section 5 of this act to the Board; and*~~

~~*(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]*~~ *to complete and electronically submit the data request to the Director.*

2. The information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or certificate is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or certificate, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 when determining whether to renew the license or certificate. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 16. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant ~~*[for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board; and*~~

~~*(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]*~~ *to complete and electronically submit the data request to the Director.*

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether*~~

~~*to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 17. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license or certificate pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license or certificate pursuant to this chapter through a link on the electronic application for the renewal of a license or certificate; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or certificate is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or certificate, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 when determining whether to renew the license or certificate. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 18. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to

applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 19. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]~~ :

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to~~

~~*information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 20. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 21. NRS 636.250 is hereby amended to read as follows:

636.250 A license issued under this chapter or any former law must be renewed pursuant to the provisions of NRS 636.250 to 636.285, inclusive, *and section 20 of this act* before March 1 of each even-numbered year.

Sec. 22. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to

applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 23. Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]~~ :

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to~~

~~*information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 24. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training through a link on the electronic application for the renewal of a registration; and

(b) Request each applicant ~~*[for the renewal of registration as a pharmacist, intern pharmacist, pharmaceutical technician or pharmaceutical technician in training to provide the information described in section 5 of this act to the Board; and*~~

~~*(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]*~~ *to complete and electronically submit the data request to the Director.*

2. The information provided by an applicant for the renewal of a registration pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a registration is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the registration, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a registration pursuant to subsection 1 when determining whether to renew the registration. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 25. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to

applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 26. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]~~ :

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to~~

~~*information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 27. Chapter 640B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.*

~~*[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 28. Chapter 640D of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~*[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 29. Chapter 640E of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~[request each applicant for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]~~ :

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 30. Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license or registration pursuant to this chapter through a link on the electronic application for the renewal of a license or registration; and

(b) Request each applicant ~~[for the renewal of a license or registration pursuant to this chapter to provide the information described in section 5 of this act to the Board; and~~

~~(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]~~ to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license or registration pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or registration is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or registration, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license or registration pursuant to subsection 1 when determining whether to renew the license or registration. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 31. NRS 641.029 is hereby amended to read as follows:

641.029 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

4. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

5. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive ~~[;]~~ *, and section 26 of this act;*

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a

problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. A person who is licensed as a behavior analyst or an assistant behavior analyst or registered as a registered behavior technician pursuant to chapter 437 of NRS, while engaged in the practice of applied behavior analysis as defined in NRS 437.040; or

9. Any member of the clergy,

➥ if such a person does not commit an act described in NRS 641.440 or represent himself or herself as a psychologist.

Sec. 32. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant ~~[for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board; and~~

~~(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]~~ to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 33. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall:

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to

applicants for the renewal of a license pursuant to this chapter through a link on the electronic application for the renewal of a license; and

(b) Request each applicant ~~[for the renewal of a license pursuant to this chapter to provide the information described in section 5 of this act to the Board; and~~

~~(b) Submit the information provided pursuant to paragraph (a) to the Director of the Department of Health and Human Services or his or her designee on or before the dates prescribed by the Director pursuant to section 8 of this act for inclusion in the database established pursuant to section 5 of this act.]~~ to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license pursuant to subsection 1 when determining whether to renew the license. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 34. NRS 641B.040 is hereby amended to read as follows:

641B.040 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A nurse who is licensed to practice in this State;

3. A person who is licensed as a psychologist 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;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive ~~[.]~~ *, and section 26 of this act;*

7. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor, or certified as a clinical alcohol and drug counselor intern, an alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

8. Any member of the clergy;

9. A county welfare director;

10. Any person who may engage in social work or clinical social work in his or her regular governmental employment but does not hold himself or herself out to the public as a social worker; or

11. A student of social work and any other person preparing for the profession of social work under the supervision of a qualified social worker in a training institution or facility recognized by the Board, unless the student or other person has been issued a provisional license pursuant to paragraph (b) of subsection 1 of NRS 641B.275. Such a student must be designated by the title "student of social work" or "trainee in social work," or any other title which clearly indicates the student's training status.

Sec. 35. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may ~~[request each applicant for the renewal of a license or certificate pursuant to this chapter to provide the information described in section 5 of this act to the Board. If the Board does so, the Board must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]~~ :

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license or certificate pursuant to this chapter through a link on the electronic application for the renewal of a license or certificate; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or certificate is not required to ~~[respond to]~~ complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or certificate, for failure to do so.

~~[4. The Board shall not use any information provided by an applicant for the renewal of a license or certificate pursuant to subsection 1 when determining whether to renew the license or certificate. This subsection must not be construed to restrict the ability of the Board to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]~~

Sec. 36. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may ~~[request each applicant who is a natural person for the renewal of a license or certification pursuant to this chapter to provide the information described in section 5 of this act to the Division. If the Division~~

~~*does so, the Division must submit the information to the Director of the Department of Health and Human Services or his or her designee for inclusion in the database established pursuant to section 5 of this act.]*~~ *:*

(a) Make the data request developed by the Director of the Department of Health and Human Services pursuant to section 5 of this act available to applicants for the renewal of a license or certification pursuant to this chapter through a link on the electronic application for the renewal of a license or certification; and

(b) Request each applicant to complete and electronically submit the data request to the Director.

2. The information provided by an applicant for the renewal of a license or certification pursuant to subsection 1 is confidential and, except as required by subsection 1, must not be disclosed to any person or entity.

3. An applicant for the renewal of a license or certification is not required to ~~*[respond to]*~~ *complete a data request pursuant to subsection 1 and is not subject to disciplinary action, including, without limitation, refusal to renew the license or certification, for failure to do so.*

~~*[4. The Division shall not use any information provided by an applicant for the renewal of a license or certification pursuant to subsection 1 when determining whether to renew the license or certification. This subsection must not be construed to restrict the ability of the Division to use information collected through other means, including, without limitation, information that is similar or identical to information provided pursuant to subsection 1, when making such a determination.]*~~

Sec. 37. 1. The Health Care Workforce Working Group established pursuant to section 6 of this act must hold its first meeting not later than October 1, 2021.

2. The Board of Medical Examiners, the Board of Dental Examiners of Nevada, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Pharmacy, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors and the Board of Examiners for Social Workers shall ~~[begin collecting]~~ make the data request developed by the Director of the Department of Health and Human Services available as required by section 12, 14, 15, 16, 24, 30, 32 or 33 of this act, as applicable, not later than July 1, 2022, or the date on which the Director of the Department of Health and Human Services notifies those boards that the ~~[database]~~ data request has been ~~[established pursuant to section 5 of this act and any necessary regulations have been adopted pursuant to section 8 of this act, whichever is earlier.]~~ developed.

Sec. 38. The provisions of section 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. 39. 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. 40. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[37,]~~ 39, 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 Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 185 to Senate Bill No. 379 requires the Director of DHHS to develop and make available to each health-professional licensing board an electronic data request that solicits certain information outlined in the bill from applicants for the renewal of a license, certificate or registration. It requires certain health-professional licensing boards to make the data request available to applicants and authorizes other boards to do so.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 215.

SUMMARY— ~~[Revises provisions relating to funding for the implementation of certain programs and practices]~~ Requires the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in ~~[the]~~ juvenile justice ~~[system.]~~ prevention activities in this State. (BDR ~~[5-506)]~~ S-506)]

AN ACT relating to protection of children; ~~[revising provisions relating to funding for the implementation of evidence-based programs and practices]~~ requiring the Division of Child and Family Services of the Department of Health and Human Services to conduct a study during the 2021-2022 legislative interim concerning investments in ~~[the]~~ juvenile justice ~~[system;]~~ prevention activities in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law]~~ This bill requires the Division of Child and Family Services of the Department of Health and Human Services ~~[and each department of juvenile services that receives money from the State, other than money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and practices. (NRS 62B.630) This bill authorizes a department of juvenile services to submit a report by July 31 of each year to the Division of Child and Family Services of the number of children who were diverted from a state facility for the~~

~~detention of children to a local facility for the detention of children or a regional facility for the treatment and rehabilitation of children within the jurisdiction of the department of juvenile services during the immediately preceding fiscal year as a result of the implementation of the evidence-based programs and practices. This bill requires the Division to calculate the savings from money appropriated to the Division for the costs of state facilities for the detention of children as a result of such diversions in that fiscal year. Except during a fiscal emergency and only to the extent that any money calculated as savings is available at the end of a fiscal year, this bill provides that the savings does not revert to the State General Fund and is required to be carried forward to the next fiscal year and distributed equitably to each department of juvenile services that submitted a report to use for implementing evidence-based programs and practices. This bill provides that any such savings remaining at the end of the fiscal year to which the savings was carried forward reverts to the State General Fund.]~~ to conduct a study during the 2021-2022 legislative interim concerning investments in juvenile justice prevention activities in this State, which are activities or programs to reduce the number of children committed to state facilities. This bill requires the Division to submit a report of the study to the Juvenile Justice Oversight Commission and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice on or before August 1, 2022.

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. A department of juvenile services may submit to the Division of Child and Family Services by July 31 of each year a report of the number of children who were diverted from a state facility for the detention of children to a local facility for the detention of children or a regional facility for the treatment and rehabilitation of children under the jurisdiction of the department of juvenile services during the immediately preceding fiscal year as a result of the implementation of evidence-based programs and practices developed, promoted or coordinated pursuant to subsection 1 of NRS 62B.630.*~~

~~*2. The Division of Child and Family Services shall evaluate each report submitted pursuant to subsection 1 and calculate the savings from money appropriated to the Division of Child and Family Services for the costs of state facilities for the detention of children as a result of such diversions for that fiscal year.*~~

~~*3. Except during the existence of a fiscal emergency, any money calculated as savings by the Division of Child and Family Services pursuant to subsection 2 which is available at the end of the fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year and distributed in an equitable manner to each department of juvenile services that submitted a report pursuant to subsection 1 to use to implement the evidence-based programs and practices developed, promoted or coordinated*~~

~~*pursuant to subsection 1 of NRS 62B.630. Any such money identified as savings that has not been used or committed for expenditure by such a department of juvenile services by the end of the fiscal year to which the money was carried forward reverts to the State General Fund.]*~~ (Deleted by amendment.)

Sec. 1.5. 1. During the 2021-2022 legislative interim, the Division of Child and Family Services of the Department of Health and Human Services shall conduct a study concerning investments in juvenile justice prevention activities in this State. In conducting the study, the Division shall consult with the chief probation officers in the counties, regional facilities for the treatment and rehabilitation of children and any other person or entity that the Division determines to have special knowledge or interest in juvenile justice prevention activities.

2. The study must include:

(a) A review of current investments in juvenile justice prevention activities within this State;

(b) A survey of best practices and funding mechanisms for juvenile justice prevention activities in other jurisdictions; and

(c) Recommendations for improving investments in juvenile justice prevention activities in this State.

3. On or before August 1, 2022, the Division shall submit a report of the study to the Juvenile Justice Oversight Commission established by NRS 62B.600 and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Child Welfare and Juvenile Justice created by NRS 218E.705.

4. As used in this section:

(a) "Juvenile justice prevention activity" means an activity or program that is designed to reduce problematic behavior or conditions in order to decrease the number of children committed to a state facility for the detention of children.

(b) "Regional facility for the treatment and rehabilitation of children" has the meaning ascribed to it in NRS 62A.280.

(c) "State facility for the detention of children" has the meaning ascribed to in NRS 62A.330.

Sec. 2. 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. 3. This act becomes effective on July 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 215 to Senate Bill No. 385 replaces the original contents of the bill and, instead, provides for a study of investments related to juvenile-justice prevention programs as

follows: the Division of Child and Family Services of DHHS shall conduct a study related to investments in juvenile-justice prevention activities.

The Division shall consult with local probation departments, regional facilities for the treatment and rehabilitation of children and any other entities the Division determines to have special knowledge or interest in juvenile-justice prevention. "Juvenile-justice prevention activities" is defined as activities or programs that reduce problem behavior or conditions to decrease the number of children committed to a State facility for the detention of children as defined in NRS 62A.330.

The study shall include a review of current investments in juvenile-justice prevention activities within the State of Nevada; best practices and funding mechanisms from other jurisdictions, and recommendations for improving investments in juvenile-justice prevention activities.

The report shall be submitted to the Juvenile Justice Oversight Commission and the Legislative Committee on Child Welfare and Juvenile Justice on or before August 1, 2022.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 391.

Bill read second time.

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

Amendment No. 268.

SUMMARY—Revises provisions relating to dentistry. (BDR 40-455)

AN ACT relating to dentistry; revising provisions relating to the State Dental Health Officer and State Public Health Dental Hygienist; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; authorizing the issuance of a permit as a dental responder to a dentist, dental hygienist or dental therapist who meets certain requirements; authorizing a dental responder to perform certain duties during a declared emergency, disaster, public health emergency or other health event; creating and prescribing the duties of the Committee on Dental Emergency Management; revising the membership of the Committee on Emergency Medical Services; requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; imposing certain requirements relating to the provision of services through teledentistry; requiring certain providers of dental care to receive training concerning teledentistry; prescribing certain requirements relating to the electronic storage of records; deeming certain conduct by a provider of dental care to be unprofessional conduct; ~~[imposing certain requirements concerning the use of prepaid charges and premiums by an organization for dental care; requiring an organization for dental care to report certain financial information;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Dental Health Officer to be licensed to practice dentistry in this State. (NRS 439.272) Section 1 of this bill provides

that the State Dental Health Officer is not required to be so licensed if he or she: (1) holds an advanced degree in public health or a related field; and (2) has graduated from a dental college or an accredited residency program. (NRS 439.272) Existing law requires the State Public Health Dental Hygienist to be licensed to practice dental hygiene in this State and have an endorsement to practice public health dental hygiene. (NRS 439.279) Section 1.3 of this bill removes a prohibition on the State Public Health Dental Hygienist pursuing an outside business or vocation and instead authorizes the State Public Health Dental Hygienist to pursue an outside business or vocation with the approval of the Division of Public and Behavioral Health of the Department of Health and Human Services. Section 27.5 of this bill authorizes the Board of Dental Examiners of Nevada to issue a limited license as a dentist or dental hygienist, as applicable, to a person who is under contract to serve as the State Dental Health Officer or the State Public Health Dental Hygienist. Section 27.5 prohibits the holder of a limited license from practicing dentistry or dental hygiene, as applicable, outside the scope of his or her service as the State Dental Health Officer or State Public Health Dental Hygienist. Section 39.5 of this bill requires such a limited license to be renewed annually. Sections 39.5, 40.5 and 41.5 of this bill make conforming changes to provide exceptions for a limited license to certain general requirements.

Existing law authorizes the Governor to proclaim a state of emergency, declare a disaster or issue an executive order proclaiming a public health emergency or other health event in certain circumstances. (NRS 414.070, 439.970) Sections 10-12 of this bill define certain terms. Section 13 of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to issue a permit as a dental responder to a dentist, dental hygienist or dental therapist who has received certain training in emergency response. Section 13 authorizes a dental responder to provide emergency medical care, immunizations, medical care in mobile clinics and humanitarian care during a state of emergency, declaration of disaster, public health emergency or other health event. Section 14 of this bill creates the Committee on Dental Emergency Management within the Division. Section 15 of this bill prescribes certain requirements concerning the operations of the Committee. Sections 15 and 18 of this bill exempt meetings of the Committee held during a state of emergency, declaration of disaster, public health emergency or other health event from requirements that meetings of a public body must be open and public. Section 16 of this bill prescribes the duties of the Committee, which relate to emergency management and the practice of professions that provide dental care.

Existing law creates the Committee on Emergency Medical Services, which advises the Division on certain matters relating to emergency management and encourages the training and education of emergency medical service personnel. (NRS 450B.151, 450B.153) Section 17 of this bill requires the State Board of Health to appoint one dental responder to the Committee.

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) Section 22 of this bill includes dental hygienists and dental therapists in the definition of "provider of health care," thereby subjecting dental hygienists and dental therapists to those requirements.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including standard telephone, facsimile or electronic mail. (NRS 629.515) Section 26 of this bill defines the term "teledentistry" to mean the use of telehealth by a dentist, dental hygienist or dental therapist to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient. Sections 24, 25 and 27 of this bill define certain other terms related to teledentistry. Section 36 of this bill makes a conforming change to indicate the placement of sections 24-27 in the Nevada Revised Statutes.

Section 28 of this bill requires a person who provides services through teledentistry to a patient located in this State to be ~~[: (1)]~~ licensed in this State as a dentist , dental hygienist or dental therapist . ~~[; or (2) licensed in this State as a dental hygienist and hold a special endorsement to practice public health dental hygiene.]~~ Section 28 also requires a dentist, dental hygienist or dental therapist providing services through teledentistry to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. Section 29 of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry to be insured against liabilities arising from services provided through teledentistry. Section 30 of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis or treatment. Section 31 of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide practitioner-patient relationship, confirm certain facts about a patient and obtain informed consent before providing services through teledentistry. Section 32 of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements concerning the privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. Section 33 of this bill imposes certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry if needed. Section 34 of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry.

Sections 37, 39 and 47 of this bill require an applicant for a license to practice dentistry or dental therapy or a special endorsement to practice public

health dental hygiene or the holder of such a license or endorsement to complete certain training concerning teledentistry. Section 38 of this bill makes a conforming change. Section 40 of this bill requires the Board to adopt regulations prescribing specific criteria for the accreditation of a course in teledentistry.

Section 35 of this bill prescribes certain requirements concerning the secure electronic storage of information concerning patients. Section 41 of this bill provides that it is unprofessional conduct for a dentist, dental hygienist or dental therapist to: (1) fail to actively involve a patient in decisions concerning his or her treatment; or (2) require a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board.

Sections ~~[1,]~~ 1.7, 42 and 45 of this bill require hospitals and issuers of Medicaid , including managed care plans , to take certain measures to improve the access of recipients of Medicaid to teledentistry. Sections 42 and 45 of this bill require a health maintenance organization or a managed care organization that provides dental services to recipients of Medicaid to allow providers of teledental services to include on claim forms codes for both real-time interactions and asynchronous transmissions. Sections 2-8 of this bill make conforming changes to indicate the proper placement of section ~~[1]~~ 1.7 in the Nevada Revised Statutes and provide for the enforcement of the requirements of section ~~[1.]~~ 1.7. Sections 19-21 of this bill require a public school, private school or child care facility that requires a dental examination, screening or assessment of a child as a condition of admission to accept a dental examination, screening or assessment provided through teledentistry that meets certain criteria for that purpose.

~~[Existing law prohibits an organization for dental care from using more than 25 percent of its prepaid charges or premiums for marketing or administrative expenses. (NRS 695D.240) Section 43 of this bill prohibits an organization for dental care from retaining more than a total of 25 percent of its prepaid charges or premiums as profits or for use as marketing or administrative expenses. Section 43 also requires an organization for dental care to report certain financial information to the Commissioner of Insurance and requires the Commissioner to post the reports on the Internet. Section 44 of this bill prescribes certain procedural requirements concerning an examination by the Commissioner for the purpose of verifying the information included in such a report.]~~

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

Section 1. NRS 439.272 is hereby amended to read as follows:

439.272 1. The Division shall appoint, with the consent of the Director, a State Dental Health Officer, who may serve in the unclassified service of the State or as a contractor for the Division. The State Dental Health Officer must:

(a) Be a resident of this State;

(b) Hold ~~[a]~~ :

(1) A current license to practice dentistry issued pursuant to chapter 631 of NRS; *or*

(2) A master's or doctorate degree in public health or a related field and be a graduate of a dental college or residency program accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor organization; and

(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public dental health and related programs.

2. The State Dental Health Officer shall:

(a) Determine the needs of the residents of this State for public dental health;

(b) Provide the Advisory Committee and the Division with advice regarding public dental health;

(c) Make recommendations to the Advisory Committee, the Division and the Legislature regarding programs in this State for public dental health;

(d) Work collaboratively with the State Public Health Dental Hygienist; and

(e) Seek such information and advice from the Advisory Committee or from any dental education program in this State, including any such programs of the Nevada System of Higher Education, as necessary to carry out his or her duties.

3. The State Dental Health Officer shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit.

4. Pursuant to NRS 439.2794, the Division may solicit and accept gifts and grants to pay the costs associated with oral health programs.

Sec. 1.3. NRS 439.279 is hereby amended to read as follows:

439.279 1. The Division shall appoint, with the consent of the Director, a State Public Health Dental Hygienist, who may serve in the unclassified service of the State or as a contractor for the Division. The State Public Health Dental Hygienist must:

(a) Be a resident of this State;

(b) Hold a current license to practice dental hygiene issued pursuant to chapter 631 of NRS with a special endorsement issued pursuant to NRS 631.287; and

(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public health dental hygiene and related programs.

2. The State Public Health Dental Hygienist:

(a) Shall work collaboratively with the State Dental Health Officer in carrying out his or her duties; and

(b) May:

(1) Provide advice and make recommendations to the Advisory Committee and the Division regarding programs in this State for public health dental hygiene; and

(2) Perform any acts authorized pursuant to NRS 631.287.

3. The State Public Health Dental Hygienist ~~[shall devote all of his or her time to the business of his or her office and shall not]~~ *may* pursue any other business or vocation ~~[or hold any other office of profit.]~~ *with the approval of the Division.*

4. The Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist.

~~[Section 1.]~~ *Sec. 1.7.* Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

If a recipient of Medicaid ~~[who receives coverage for dental services through a managed care organization]~~ presents in the emergency department of a hospital in this State with a nontraumatic dental injury, the hospital must ~~[provide]~~ notify the patient ~~[with the list]~~ of providers of dental services included in the network of ~~[the managed care]~~ each health maintenance organization ~~[who offer]~~ or managed care organization that provides services through teledentistry to recipients of Medicaid. The hospital shall provide such notice through:

1. Signs on the premises of the hospital that include the lists of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable ~~[.]~~ , or direct patients to an Internet website on which those lists are posted; or

2. Making available to patients a pamphlet or other written document that includes the lists of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or directs patients to an Internet website on which those lists are posted.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section ~~[1]~~ 1.7 of this act,* unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section ~~[1]~~ 1.7 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, *and section ~~[1]~~ 1.7 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, *and section ~~[1]~~ 1.7 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 5. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and section ~~[1]~~ 1.7 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and section ~~[1]~~ 1.7 of this*

act or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and section ~~[1]~~ 1.7 of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 6. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303

to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section ~~[1]~~ 1.7 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section ~~[1]~~ 1.7 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section ~~[1]~~ 1.7 of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[.:]~~ *, and section ~~[1]~~ 1.7 of this act:*

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 8. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[.]~~ *, and section ~~[1]~~ 1.7 of this act.*

Sec. 9. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 16, inclusive, of this act.

Sec. 10. *As used in sections 10 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 and 12 of this act have the meanings ascribed to them in those sections.*

Sec. 11. *"Committee" means the Committee on Dental Emergency Management created by section 14 of this act.*

Sec. 12. *"Dental responder" means the holder of a permit as a dental responder issued pursuant to section 13 of this act.*

Sec. 13. *1. The Division may issue a permit as a dental responder to a person who applies to the Division in the form prescribed by the Division. The application must include, without limitation, proof that the applicant:*

(a) Is licensed in good standing as a dentist, dental hygienist or dental therapist in this State; and

(b) Has completed:

(1) A training course offered by the National Incident Management System of the Federal Emergency Management Agency of the United States Department of Homeland Security;

(2) The Basic Disaster Life Support Course or Advanced Disaster Life Support Course offered by the National Disaster Life Support Foundation, or its successor organization;

(3) The Disaster and Emergency Preparedness course offered by the American College of Surgeons, or its successor organization; or

(4) A didactic and team-based course of training in disaster response offered by an institution of dental education in the State of Nevada and approved by the Division.

2. A dental responder may provide emergency medical care, immunizations, medical care in a mobile clinic and humanitarian care during the existence of:

(a) A state of emergency or declaration of disaster proclaimed by the Governor or the Legislature pursuant to NRS 414.070; or

(b) A public health emergency or other health event proclaimed by executive order of the Governor pursuant to NRS 439.970.

3. The State Board of Health, in consultation with the Committee on Dental Emergency Management, shall adopt regulations to carry out the provisions of this section. Those regulations must establish:

(a) The requirements for the issuance or renewal of a permit as a dental responder, including, without limitation, the fee for the issuance or renewal of such a permit and the length of time for which such a period is valid;

(b) Standards of practice for dental responders;

(c) Disciplinary action that may be imposed for violating the standards of practice established pursuant to paragraph (b), which may include, without limitation, the suspension or revocation of a permit; and

(d) Grounds and procedures for imposing disciplinary action.

4. Any fee prescribed pursuant to paragraph (a) of subsection 3 must be calculated to produce the revenue estimated to cover the costs necessary to administer the provisions of this section but in no case may the fee for the issuance or renewal of a certificate exceed the actual cost to the Division to administer those provisions.

5. A dental responder may not be held civilly or criminally liable for any act or omission performed while providing or supervising the provision of emergency medical care, immunizations, medical care in a mobile clinic or humanitarian care in accordance with this section and the regulations adopted pursuant thereto unless the act or omission:

(a) Amounts to willful misconduct or gross negligence; or

(b) Is performed while the dental responder was under the influence of alcohol or another substance that affects mental processes, awareness or judgment.

Sec. 14. *1. The Committee on Dental Emergency Management is hereby created within the Division. The Committee consists of:*

(a) The following ex officio members:

(1) The Chief Medical Officer;

(2) The State Dental Health Officer; and

(3) The State Public Health Dental Hygienist; and

(b) The following members appointed by the Administrator of the Division:

(1) One member who represents the Nevada Dental Association, or its successor organization;

(2) One member who represents the Nevada Dental Hygienists' Association, or its successor organization;

(3) One member who represents the Board of Dental Examiners of Nevada;

(4) One or more members who represent a program of dentistry or dental hygiene at a college or university within the Nevada System of Higher Education;

(5) One member who is a county health officer in a county whose population is less than 100,000 or the designee of such a county health officer;

(6) One or more members who represent a state or local public health agency whose duties relate to emergency preparedness; and

(7) One member who is a consumer of dental services.

2. The term of each member appointed by the Administrator of the Division is 3 years after the initial term. A member may not serve more than

two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years after serving at least part of two consecutive terms.

3. Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to this section and sections 15 and 16 of this act.

4. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.

Sec. 15. *1. The Committee shall elect a Chair from among its members. The term of the Chair is 1 year. The Chair may be reelected.*

2. The Committee shall meet at the call of the Chair, the State Dental Health Officer or the Chief of the Division of Emergency Management of the Department of Public Safety at least twice each year.

3. The Committee shall adopt rules for its own management.

4. A member of the Committee serves without compensation, except that, for each day or portion of a day during which a member attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid by the Division from money not allocated by specific statute for another use.

5. The Committee shall, upon the request of the Chair, the State Dental Health Officer or the Chief of the Division of Emergency Management of the Department of Public Safety, form subcommittees for decisions and recommendations concerning specific problems within the scope of the functions of the Committee.

6. The provisions of chapter 241 of NRS do not apply to any meeting of the Committee held during the existence of:

(a) A state of emergency or declaration of disaster proclaimed by the Governor or the Legislature pursuant to NRS 414.070; or

(b) A public health emergency or other health event proclaimed by executive order of the Governor pursuant to NRS 439.970.

Sec. 16. *1. The Committee shall:*

(a) Advise the Board of Dental Examiners of Nevada concerning the adoption of regulations relating to dentists, dental therapists, dental hygienists, dental services and emergency management.

(b) Advise the State Board of Health concerning the management and performance of dental services during an emergency and matters relating to dental responders.

(c) Advise the Department of Health and Human Services and the Committee on Emergency Medical Services created by NRS 450B.151 concerning the management and performance of dental services during an

emergency, including, without limitation, any statewide protocols for the provision of dental services during an emergency.

(d) Coordinate with the Medical Reserve Corps of the United States Department of Health and Human Services, any registration system for volunteer health practitioners that meets the requirements of NRS 415A.210 and any other organization of providers of health care who provide services during emergencies in this State.

(e) Make recommendations to the Division, the State Board of Health and the Department of Health and Human Services concerning the response to an emergency or disaster.

(f) Develop a plan for the continuation of dental services during a local, state or national emergency and establish any necessary protocols or systems for notifying dental responders, dentists, dental hygienists and dental therapists of important information related to the plan. The plan must include, without limitation:

(1) Procedures for screening patients; and

(2) Guidelines for the appropriate use of personal protective equipment for dentists, dental hygienists and dental therapists and their staff during an outbreak of an infectious disease.

(g) Encourage the training and education of dental responders.

(h) On or before January 31 of each year, submit a report to the Division and the Chief of the Division of Emergency Management of the Department of Public Safety, which must include, without limitation:

(1) A summary of any policies or procedures adopted by the Committee; and

(2) A description of the activities of the Committee during the immediately preceding year.

(i) Perform any additional duties prescribed by regulation of the State Board of Health.

2. If the Committee or any member of the Committee has reasonable cause to believe that grounds for disciplinary action against a dentist, dental hygienist or dental therapist exist, the Committee or member, as applicable, must submit a complaint to the Board of Dental Examiners of Nevada pursuant to NRS ~~[631.355.]~~ 631.360.

Sec. 17. NRS 450B.151 is hereby amended to read as follows:

450B.151 1. The Committee on Emergency Medical Services, consisting of ~~[nine]~~ *10* members appointed by the State Board of Health, is hereby created.

2. Upon request of the State Board of Health, employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, firefighters, fire chiefs *, dental responders* and employees of rural hospitals, shall submit to the State Board of Health written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the State Board of Health shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who has experience providing emergency medical services;

(b) One member who is a registered nurse and who has experience providing emergency medical services;

(c) One member who is a volunteer for an organization that provides emergency medical services pursuant to this chapter;

(d) One member who is employed by a fire-fighting agency at which some of the firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers;

(e) One member who is employed by an urban fire-fighting agency;

(f) One member who is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) One member who is employed by a privately owned entity that provides emergency medical services; ~~[and]~~

(i) One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry ~~[.]~~ *; and*

(j) One member who holds a permit as a dental responder issued pursuant to section 13 of this act and has experience providing emergency medical services.

4. In addition to the members set forth in subsection 3, the following persons are ex officio members of the Committee:

(a) An employee of the Division, appointed by the Administrator of the Division, whose duties relate to administration and enforcement of the provisions of this chapter;

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or the county health officer's designee;

(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee; and

(d) A representative of a committee or group which focuses on the provision of emergency medical services to children in this State and who is nominated by that committee or group.

5. The term of each member appointed by the State Board of Health is 2 years. A member may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years.

6. The State Board of Health shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the State Board of Health may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

7. Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to NRS 450B.151 to 450B.154, inclusive.

8. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.

Sec. 18. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 [.] *and section 15 of this act,* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 19. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:

(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and

(b) The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. As used in this section:

(a) "Dental home" means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.

(b) "Teledentistry" has the meaning ascribed to it in section 26 of this act.

(c) "Virtual dental home" means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.

Sec. 20. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A private school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:

(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and

(b) The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. As used in this section:

(a) "Dental home" has the meaning ascribed to it in section 19 of this act.

(b) "Teledentistry" has the meaning ascribed to it in section 26 of this act.

(c) "Virtual dental home" has the meaning ascribed to it in section 19 of this act.

Sec. 21. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A child care facility that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the facility shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:

(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and

(b) The person who conducted the dental examination, screening or assessment ensures that the child is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. As used in this section:

(a) "Dental home" has the meaning ascribed to it in section 19 of this act.

(b) "Teledentistry" has the meaning ascribed to it in section 26 of this act.

(c) "Virtual dental home" has the meaning ascribed to it in section 19 of this act.

Sec. 22. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) *A dental therapist;*

(e) A dental hygienist;

(f) A licensed nurse;

~~[(e)]~~ *(g)* A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~[(f)]~~ *(h)* A dispensing optician;

~~[(g)]~~ *(i)* An optometrist;

~~[(h)]~~ *(j)* A speech-language pathologist;

~~[(i)]~~ *(k)* An audiologist;

~~[(j)]~~ *(l)* A practitioner of respiratory care;

~~[(k)]~~ *(m)* A licensed physical therapist;

~~[(l)]~~ *(n)* An occupational therapist;

~~[(m)]~~ *(o)* A podiatric physician;

~~[(n)]~~ *(p)* A licensed psychologist;

~~[(o)]~~ *(q)* A licensed marriage and family therapist;

~~[(p)]~~ *(r)* A licensed clinical professional counselor;

~~[(q)]~~ *(s)* A music therapist;

~~[(r)]~~ *(t)* A chiropractor;

~~[(s)]~~ *(u)* An athletic trainer;

~~[(t)]~~ *(v)* A perfusionist;

~~[(u)]~~ *(w)* A doctor of Oriental medicine in any form;

~~[(v)]~~ *(x)* A medical laboratory director or technician;

~~[(w)]~~ *(y)* A pharmacist;

~~[(x)]~~ *(z)* A licensed dietitian;

~~[(y)]~~ *(aa)* An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

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

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

~~[(bb)]~~ *(dd)* A medical facility as the employer of any person specified in this subsection.

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

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

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

Sec. 23. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 35, inclusive, of this act.

Sec. 24. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 25. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 26. *"Teledentistry" means the use of telehealth by a licensee described in subsection 1 of section 28 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:*

1. Real-time interactions between a patient at an originating site and a licensee at a distant site;

2. The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

3. Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and

4. Monitoring of a patient at an originating site by a licensee at a distant site.

Sec. 27. *"Telehealth" has the meaning ascribed to it in NRS 629.515.*

Sec. 27.5. 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to a person to practice dentistry or dental hygiene who:

(a) Has entered into a contract, including, without limitation, a contract of employment, to serve as the State Dental Health Officer pursuant to NRS 439.272 or the State Public Health Dental Hygienist pursuant to NRS 439.279, as applicable;

(b) Satisfies the requirements of NRS 631.230 or 631.290, as applicable; and

(c) Pays any fee required pursuant to subsection 3.

2. A limited license issued pursuant to this section may be renewed upon:

(a) Submission of proof acceptable to the Board that the holder meets the requirements of subsection 1; and

(b) Payment of any fee required pursuant to subsection 3.

3. The Board may impose a fee of not more than $200 for the issuance and each renewal of a limited license issued pursuant to this section.

4. The Board shall inform each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a limited license is issued pursuant to subsection 1:

(a) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene in this State except such compensation as may be paid to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services for his or her service as the State Dental Health Officer or the State Public Health Dental Hygienist; and

(b) May practice dentistry or dental hygiene in this State only within the scope of his or her appointment as the State Dental Health Officer or the State Public Health Dental Hygienist, as applicable.

6. Not later than 7 days after the termination of a contract described in paragraph (a) of subsection 1, the holder of a limited license shall:

(a) Provide to the Board written notice of the termination; and

(b) Surrender his or her limited license to the Board.

7. The Board, in consultation with the Division of Public and Behavioral Health, may revoke a license issued pursuant to this section at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 28. *1. A person shall not provide dental services through teledentistry to a patient who is located at an originating site in this State unless the person is* ~~*[:*~~

~~*(a) Licensed]*~~ *licensed to practice dentistry , dental hygiene or dental therapy in this State* ~~*. [; or*~~

~~*(b) Licensed to practice dental hygiene in this State and holds a current special endorsement of his or her license pursuant to NRS 631.287 to practice public health dental hygiene.]*~~

2. The provisions of this chapter and the regulations adopted thereto, including, without limitation, clinical requirements, ethical standards and requirements concerning the confidentiality of information concerning patients, apply to services provided through teledentistry to the same extent as if those services were provided in person or by other means.

3. A licensee who provides dental services, including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosis, correction of the position of teeth and use of orthodontic appliances, through teledentistry shall provide those services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

4. A licensee shall not:

(a) Provide treatment for any condition based solely on the results of an online questionnaire;

(b) Provide services through teledentistry, including, without limitation, conducting an oral examination, if, in the professional judgment of the licensee or according to the relevant standard of care, the services should be provided in person; or

(c) Engage in activity that is outside his or her scope of practice while providing services through teledentistry.

Sec. 29. *A licensee who provides dental services through teledentistry must be covered by a policy of professional liability insurance which insures the licensee against any liability arising from the provision of dental services through teledentistry.*

Sec. 30. *1. A licensee may:*

~~*[1.]*~~ *(a) Use teledentistry to examine an existing patient for the purpose of providing a new diagnosis or examine a new patient if the examination is sufficient, in accordance with evidence-based standards of practice, to provide an informed diagnosis.*

~~*[2.]*~~ *(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, teacher, provider of ~~[emergency medical services]~~ health care or student who is enrolled in a program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.*

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

Sec. 31. *1. Except as otherwise provided in this subsection, a licensee must establish a bona fide practitioner-patient relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. A licensee may establish such a relationship through teledentistry.*

2. Before providing services to a patient through teledentistry, a licensee shall:

(a) Confirm the identity of the patient;

(b) If the patient is an unemancipated minor, confirm that the parent or legal guardian of the patient is present;

(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient; and

(d) Obtain informed verbal or written consent that meets the requirements of subsection 4 from the patient and document the informed consent in the record of the patient.

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant information concerning the qualifications of the licensee.

4. Informed consent to the provision of services through teledentistry requires the patient to be informed of:

(a) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(b) The information prescribed by subsection 3 for each licensee who will provide services through teledentistry;

(c) Precautions that will be taken in the event of a technological failure or an emergency; and

(d) Any other information prescribed by regulation of the Board.

Sec. 32. *A licensee who provides services through teledentistry shall:*

1. Use communication technology that complies with Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto; and

2. Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto;

(b) NRS 629.051 to 629.069, inclusive;

(c) The regulations adopted pursuant to section 34 of this act; and

(d) Section 35 of this act.

Sec. 33. *1. A licensee who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the area in which the patient is located to ensure that the patient receives appropriate care after the provision of the services.*

2. If a licensee is not able to competently provide services through teledentistry, including, without limitation, because the licensee is unable to receive adequate information about the patient, the licensee must notify the patient of that fact and:

(a) Provide the services in person;

(b) Request any additional information necessary to competently provide the services through teledentistry; or

(c) Refer the patient to an appropriate licensee to receive the services in person.

3. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Sec. 34. *1. The Board shall adopt regulations governing the provision of dental services through teledentistry. Those regulations must include, without limitation, requirements concerning:*

(a) The issuance of a prescription through teledentistry;

(b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(c) The use of teledentistry for collaboration between:

(1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and

(2) Licensees who practice in different specialty areas; and

(d) Interaction between licensees using teledentistry, including, without limitation:

(1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or a dental hygienist by a dentist using teledentistry; and

(2) Interaction between different licensees who are providing care to the same patient.

2. The regulations adopted pursuant to subsection 1 may prescribe evidence-based standards of practice that must be used when providing services through teledentistry to ensure the safety of patients, the quality of care and positive outcomes.

Sec. 35. *A licensee who electronically stores information concerning patients shall:*

1. Store and share such information using a secure server; and

2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password to access.

Sec. 36. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and sections 24 to 27, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 37. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. *In addition to satisfying the requirements of subsection 1, an applicant for a license to practice dental therapy or dentistry, or any of its special branches, must submit to the Board proof that the applicant has completed:*

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation, or its successor entity.

3. An application must include all information required to complete the application.

~~[3.]~~ *4.* The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 38. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection ~~[3]~~ *4* of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 39. NRS 631.287 is hereby amended to read as follows:

631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

2. *An application pursuant to subsection 1 must be accompanied by proof that the applicant has completed:*

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation, or its successor entity.

3. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.

Sec. 39.5. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 *and section 27.5 of this act* must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275 ~~[.]~~ *and section 27.5 of this act:*

(a) Each holder of a license to practice dentistry, dental hygiene or dental therapy must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➥ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 40. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course ~~[.]~~ ~~,~~ , *including, without limitation, specific criteria used to accredit a course in teledentistry;* and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 40.5. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715 [,] *and section 27.5 of this act,* the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry $1,500
Application fee for an initial license to practice dental hygiene 750
Application fee for an initial license to practice dental therapy 1,000
Application fee for a specialist's license to practice dentistry 300
Application fee for a limited license or restricted license to practice dentistry, dental hygiene or dental therapy 300
Fee for administering a clinical examination in dentistry 2,500
Fee for administering a clinical examination in dental hygiene or dental therapy 1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation 750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation 500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation 600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation 350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines 500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry 1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry 300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene or dental therapy 600
Annual license renewal fee for a limited license to practice dental hygiene or dental therapy 300
Biennial license renewal fee for an inactive dentist 400
Biennial license renewal fee for a dentist who is retired or has a disability 100
Biennial license renewal fee for an inactive dental hygienist or dental therapist 200
Biennial license renewal fee for a dental hygienist or dental therapist who is retired or has a disability 100
Reinstatement fee for a suspended license to practice dentistry, dental hygiene or dental therapy 500
Reinstatement fee for a revoked license to practice dentistry, dental hygiene or dental therapy 500
Reinstatement fee to return a dentist, dental hygienist or dental therapist who is inactive, retired or has a disability to active status 500
Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 41. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; ~~[or]~~

14. *Failure to actively involve a patient in decisions concerning his or her treatment;*

15. Requiring a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board; or

16. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 41.5. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347 ~~[,]~~ *and section 27.5 of this act,* the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program relating to an alcohol or other substance use disorder or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

➥ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry, dental hygiene or dental therapy;

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 42. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A health maintenance organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.*

5. A health maintenance organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the health maintenance organization who offer services through teledentistry; ~~*[and]*~~

(b) At least ~~*[annually,]*~~ *quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in* ~~*[the geographic area in which the health maintenance organization covers dental services for recipients of Medicaid.]*~~ *this State; and*

(c) Allow providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~[5.]~~ *7.* Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any

provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ *8.* As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) *"Teledentistry" has the meaning ascribed to it in section 26 of this act.*

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 43. ~~[NRS 695D.240 is hereby amended to read as follows:~~

~~695D.240 1. The organization for dental care shall [use] not *retain* more than *a total of* 25 percent of its prepaid charges or premiums [for] *as profits or use as* marketing and administrative expenses . [, including] *For the purposes of this subsection, marketing and administrative expenses include, without limitation,* all costs to solicit members or dentists [.] *, commissions for agents and salaries for employees.*~~

~~*2. Except as otherwise provided in subsection 3, on or before July 31 of each year, an organization for dental care shall submit to the Commissioner a report which must include, for the immediately preceding calendar year, the information required by the 2013 edition of the Annual Medical Loss Ratio Reporting Form CMS-10418 prescribed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for each plan offered by the organization for dental care and each market in which the organization for dental care provides coverage. Not later than 45 days after receiving a report pursuant to this subsection, the Commissioner shall post the report on an Internet website maintained by the Division.*~~

~~*3. The provisions of subsection 2 do not apply to an organization for dental care that provides 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 an organization for dental care from the requirements of subsection 2 for services provided pursuant to any other contract.*~~

~~*4.* The Commissioner may adopt regulations which define "marketing and administrative expenses" for the purposes of subsection 1.~~] (Deleted by amendment.)

Sec. 44. ~~[NRS 695D.270 is hereby amended to read as follows:~~

~~695D.270 1. The Commissioner shall, not less frequently than once every 3 years, conduct an examination of an organization for dental care pursuant to NRS 679B.250 to 679B.300, inclusive.~~

~~2. The Commissioner may examine any organization which holds a certificate of authority from this State or another state at any other time the Commissioner deems necessary. For those organizations transacting business in this State which are not organized in this State, the Commissioner may accept a full report of the last examination of the organization certified by the~~

~~state officer who supervises those organizations in the other state, if that examination is equivalent to an examination conducted by the Commissioner.~~

~~*3. Not less than 30 days before examining an organization for dental care pursuant to subsection 1 or 2 for the purpose of verifying the information included in a report submitted to NRS 695D.240, the Commissioner shall notify the organization of the examination and request any records necessary for the examination. Except as otherwise provided in this subsection, the organization shall submit the requested records not later than 30 days after the request. The Commissioner may extend the time period for an organization to respond to a request for records pursuant this subsection upon a showing of good cause.*~~

~~*4. Any information submitted to the Commissioner pursuant to subsection 3 is a public record that is subject to disclosure under the provisions of NRS 239.010 unless the Commissioner determines that the information constitutes a trade secret, as defined in NRS 600A.030.*~~

~~5. The Commissioner shall, in like manner, examine all organizations applying for a certificate of authority.]~~ (Deleted by amendment.)

Sec. 45. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of the distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A managed care organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or the Children's*

Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.

5. A managed care organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:

(a) Maintain a list of providers of dental services included in the network of the managed care organization who offer services through teledentistry; ~~*[and]*~~

(b) At least ~~*[annually,]*~~ *quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in* ~~*[the geographic area in which the managed care organization covers dental services for recipients of Medicaid.]*~~ *this State; and*

(c) Allow providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~[5.]~~ *7.* Evidence of coverage that is delivered, issued for delivery or renewed on or after July 1, 2015, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~[6.]~~ *8.* As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) *"Teledentistry" has the meaning ascribed to it in section 26 of this act.*

(e) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 46. As soon as practicable after the January 1, 2022, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint the members of the Committee on Dental Emergency Management created by section 14 of this act as follows:

1. At least three members to terms that expire on January 1, 2023;
2. At least two members to terms that expire on January 1, 2024; and
3. At least two members to terms that expire on January 1, 2025.

Sec. 47. 1. Each person who holds a license to practice dental hygiene with a special endorsement to practice dental hygiene in a public health setting or a license to practice dentistry or dental therapy on January 1, 2022, shall submit to the Board of Dental Examiners of Nevada with the next application to renew that license after that date proof that the licensee has completed:

(a) At least 2 hours of continuing education concerning teledentistry; or

(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation, or its successor entity.

2. As used in this section, "teledentistry" has the meaning ascribed to it in section 26 of this act.

Sec. 48. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 49. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 48, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations, hiring staff and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 268 to Senate Bill No. 391 provides that the State Dental-Health Officer is not required to be licensed to practice dentistry in this State if certain other criteria are met. It removes a prohibition on the State public-health dental hygienist pursuing an outside business or vocation, instead, authorizing such activity with the approval of the Division of Public and Behavioral Health of DHHS. It authorizes the Board of Dental Examiners to issue a limited license as a dentist or dental hygienist to the State Dental-Health Officer or the State Public-Health Dental Hygienist. It revises provisions related to how notice of certain dental services that are available through teledentistry are provided to Medicaid recipients.

Amendment No. 268 deletes sections 43 and 44, which would have revised existing law prohibiting an organization for dental care from using more than 25 percent of its prepaid charges or premiums for marketing or administrative expenses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 274.

SUMMARY—Enacts provisions relating to apiaries. (BDR 49-1085)

AN ACT relating to beekeeping; requiring the State Department of Agriculture to adopt regulations that require certain persons to register

apiaries; requiring such persons to pay an annual registration fee; exempting hobbyist beekeepers from paying the annual registration fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Department of Agriculture has control of all matters pertaining to the apiary industry in this State and authorizes the Department to adopt regulations to carry out the provisions that govern bees and apiaries. Existing law authorizes the Director of the Department to impose a civil penalty of not more than $500 for each violation of the provisions that govern bees and apiaries. (NRS 552.095)

Existing law authorizes the Department to order the inspection of any or all apiaries and all buildings used in connection with those apiaries to ensure that an apiary is not infected with any disease, or that any honey, honeycombs or beeswax in an apiary is not exposed to robber bees. (NRS 552.160) Existing law provides that inspectors have access to all apiaries, appliances, structures and premises where bees or their products are kept in order to enforce the provisions that govern bees and apiaries. (NRS 552.180) Existing law further provides that if a person requests such inspections, the person must pay a reasonable fee for the inspection, which existing regulations establish to be $20 for each hour of inspection and 40 cents per mile to the site of inspection. (NRS 552.215; NAC 552.060)

Existing law authorizes the Department, if the demand for pollination service is found by the Department to warrant such action, to: (1) establish standards of bee colony strength; (2) appoint inspectors to determine bee colony strength; (3) certify hives of bees used in commercial pollination on the basis of colony strength; and (4) establish reasonable fees to cover the cost of such inspections and certifications. (NRS 552.205) Additionally, existing law provides the type of hives that bees may be kept in. (NRS 552.230) Finally, existing law prohibits any person from concealing the fact that any disease exists among the person's bees. (NRS 552.240)

To carry out these various tasks and duties and to enforce existing provisions, this bill requires the Department to adopt regulations pursuant to which a person is required to register apiaries. This bill exempts a person from the registration requirement if: (1) the person obtains certification as an actual producer of certain farm products; and (2) the certification includes the registration of all apiary locations under the control of the person. Additionally, this bill requires a person who is required to register his or her apiary to pay an annual registration fee that is established by the Department in regulation. This bill prohibits the Department from imposing the annual registration fee on a hobbyist beekeeper and defines the term "hobbyist beekeeper" to mean a person who has not more than 10 apiaries under his or her possession or control.

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

Section 1. Chapter 552 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the Department shall adopt regulations pursuant to which a person must register apiaries.

2. A person is not required to register an apiary pursuant to this section if the person:

(a) Obtains certification pursuant to NRS 576.128; and

(b) Such certification includes, without limitation, the registration of all apiary locations under the control of the person.

3. ~~[Each]~~ Except as otherwise provided in this subsection, each person who is required to register an apiary pursuant to this section shall pay an annual registration fee as prescribed by the Department in regulation. The Department shall not impose the annual registration fee on a person who is a hobbyist beekeeper.

4. As used in this section, "hobbyist beekeeper" means a person who has not more than 10 apiaries under his or her possession or control.

Sec. 2. 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. 3. This act becomes effective upon passage and approval.

Senator Donate moved the adoption of the amendment.

Remarks by Senators Donate and Pickard.

SENATOR DONATE:

Amendment No. 274 to Senate Bill No. 407 exempts hobbyist beekeepers, a person who has not more than 10 apiaries under his or her possession or control, from paying the annual registration fee.

SENATOR PICKARD:

When dealing with this in the past, "apiary" was a term used for the operation, not the number of hives. In this context, when we are asking about 10 apiaries, are we talking about the number of hives within each hobbyist's control, or are we talking about ten separate locations where hives may be located?

SENATOR DONATE:

The concerns that came up during the hearing were that there might be an impediment for veterans who conduct bee keeping as a hobby. Due to that, we went with the number of 10 hives. This is what the amendment is attempting to address.

SENATOR PICKARD:

The appropriate word rather than "apiary" is in section 1, subsection 4, then and is "hives" rather than "apiaries." Are we defining the 10 apiaries as the same as 10 hives?

SENATOR DONATE:

According to the Legal Department, an apiary is any hive and associated appliances, so it would be 10 hives plus appliances. This can be found in NRS 552.0851.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 19, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 147, 274, 286, 297, 341, 385.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 147, 267, 274, 286, 297, 318, 341, 385 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. 190.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 451.

SUMMARY—Provides for the dispensing of self-administered hormonal contraceptives. (BDR 54-3)

AN ACT relating to contraceptives; requiring the Chief Medical Officer to issue a standing order authorizing a pharmacist to dispense self-administered hormonal contraceptives to any patient; authorizing a pharmacist to dispense self-administered hormonal contraceptives to any patient; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to self-administered hormonal contraceptives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pharmacist to dispense up to a 12-month supply or an amount equivalent to the balance of the plan year if the patient is covered by a health care plan, whichever is less, of a contraceptive or its therapeutic equivalent pursuant to a valid prescription or order if certain conditions are met. (NRS 639.28075) Section 8 of this bill requires: (1) the Chief Medical Officer or his or her designee to issue a standing order to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient; and (2) the State Board of Health, in consultation with the Chief Medical Officer, to prescribe by regulation a protocol for dispensing a self-administered hormonal contraceptive. Section 3 of this bill authorizes a pharmacist to dispense a self-administered hormonal contraceptive under the standing order and establishes the procedures the pharmacist must follow to dispense such a contraceptive. Section 3 requires such a pharmacist to: (1) provide a risk assessment questionnaire prescribed by the State Board of Health pursuant to section 8 ~~[upon the request of]~~ to the patient before the pharmacist dispenses the self-administered hormonal contraceptive; (2) create a record concerning

the dispensing of the self-administered hormonal contraceptive; (3) provide the patient with a written record of the request and the self-administered hormonal contraceptive dispensed and certain additional information; and (4) comply with the regulations adopted pursuant to section 8 and any guidelines recommended by the manufacturer. Sections 3 and 8 require the State Board of Pharmacy and the Division of Public and Behavioral Health of the Department of Health and Human Services to post on an Internet website a list of pharmacies that dispense self-administered hormonal contraceptives under the standing order.

Existing law defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) Section 5 of this bill provides that the practice of pharmacy includes the dispensing of self-administered hormonal contraceptives by a pharmacist in accordance with section 3 and, thus, requires persons engaged in the dispensing of such contraceptives to be registered and regulated as pharmacists.

Existing law authorizes the State Board of Pharmacy to suspend or revoke any certificate to practice as a registered pharmacist if the holder of or applicant for such a certificate commits certain acts. (NRS 639.210) Section 6 of this bill authorizes the Board to suspend or revoke any certificate to practice as a registered pharmacist if the holder or applicant has dispensed a self-administered hormonal contraceptive under the standing order issued pursuant to section 8 without complying with the provisions of section 3.

Existing law requires public and private policies of insurance regulated under Nevada law to include coverage for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptives; and (2) certain devices for contraception. (NRS 287.010, 287.04335, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) 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 7 and 9-15 of this bill require that certain public and private policies of insurance and health care plans provide coverage for self-administered hormonal contraceptives dispensed by a pharmacist in accordance with section 3.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Self-administered hormonal contraceptive" means a self-administered contraceptive that utilizes a hormone and is approved for use by the United States Food and Drug Administration to prevent pregnancy. The term includes, without limitation, an oral contraceptive, a vaginal contraceptive ring, a contraceptive patch and any other method of hormonal contraceptive identified by the standing order issued by the Chief Medical Officer or his or her designee pursuant to section 8 of this act.*

Sec. 3. *1. A pharmacist may dispense a self-administered hormonal contraceptive under the standing order issued pursuant to section 8 of this act to a patient, regardless of whether the patient has obtained a prescription from a practitioner.*

2. A pharmacist must provide the risk assessment questionnaire prescribed by the State Board of Health pursuant to section 8 of this act to a patient who requests ~~[the questionnaire]~~ a self-administered hormonal contraceptive before dispensing ~~[a]~~ the self-administered hormonal contraceptive to the patient. If ~~[such a questionnaire is provided]~~ the patient completes the questionnaire and the results of the questionnaire indicate that it is unsafe to dispense the self-administered hormonal contraceptive to the patient, the pharmacist:

(a) Must not dispense the self-administered hormonal contraceptive; and

(b) Must refer the patient to the patient's attending provider or another qualified provider of health care.

3. A pharmacist who dispenses a self-administered hormonal contraceptive under the standing order shall:

(a) Create a record concerning the dispensing of the self-administered hormonal contraceptive which includes, without limitation, the name of the patient to whom the self-administered hormonal contraceptive was dispensed, the type of self-administered hormonal contraceptive dispensed and any other relevant information required by the protocol prescribed pursuant to section 8 of this act. The pharmacist or his or her employer shall maintain the record for the amount of time prescribed in that protocol.

(b) Inform the patient to whom the self-administered hormonal contraceptive is dispensed concerning:

(1) Proper administration and storage of the self-administered hormonal contraceptive;

(2) Potential side effects of the self-administered hormonal contraceptive; and

(3) The need to use other methods of contraception, if appropriate.

(c) Provide to the patient to whom the self-administered hormonal contraceptive is dispensed:

(1) The written record required by subsection 4; and

(2) Any written information required by the regulations adopted pursuant to section 8 of this act.

(d) Comply with the regulations adopted pursuant to section 8 of this act and any guidelines for dispensing the self-administered hormonal contraceptive recommended by the manufacturer.

4. A pharmacist shall provide to any patient who requests a self-administered hormonal contraceptive under the standing order a written record of the request, regardless of whether the self-administered hormonal contraceptive is dispensed. The record must include, without limitation:

(a) A copy of the risk assessment questionnaire if completed by the patient pursuant to subsection 2; and

(b) A written record of the self-administered hormonal contraceptive requested and any self-administered hormonal contraceptive dispensed.

5. Any pharmacy that wishes to dispense self-administered hormonal contraceptives under the standing order must notify the Board of that fact. The Board shall post on an Internet website maintained by the Board a list of the names, addresses and contact information of pharmacies that have provided such notice.

6. As used in this section:

(a) "Attending provider" means a provider of health care who provides or has provided care to the patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 4. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 639.0124 is hereby amended to read as follows:

639.0124 *1.* "Practice of pharmacy" includes, but is not limited to, the:

~~[1.]~~ *(a)* Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

~~[2.]~~ *(b)* Interpretation and evaluation of prescriptions or orders for medicine.

~~[3.]~~ *(c)* Participation in drug evaluation and drug research.

~~[4.]~~ *(d)* Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

~~[5.]~~ *(e)* Selection of the source, storage and distribution of a drug.

~~[6.]~~ *(f)* Maintenance of proper documentation of the source, storage and distribution of a drug.

~~[7.]~~ *(g)* Interpretation of clinical data contained in a person's record of medication.

~~[8.]~~ *(h)* Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

~~[9.]~~ *(i)* Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Dispensing a self-administered hormonal contraceptive pursuant to section 3 of this act.

~~[2.]~~ *2.* The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583 ~~[.]~~ *and section 3 of this act.*

Sec. 6. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Has a substance use disorder;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew a certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had a certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he or she presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him or her;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS;

18. Has failed to file or maintain a bond or other security if required by NRS 639.515; ~~[or]~~

19. *Has dispensed a self-administered hormonal contraceptive under the standing order issued pursuant to section 8 of this act without complying with section 3 of this act; or*

20. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 7. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion or removal of a device for contraception;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief Medical Officer or his or her designee shall issue a standing order to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient pursuant to section 3 of this act.

2. In consultation with the Chief Medical Officer, the State Board of Health shall prescribe by regulation a protocol for dispensing a self-administered hormonal contraceptive. The protocol must include, without limitation:

(a) Requirements governing the information that must be included in a record concerning the dispensing of the self-administered hormonal contraceptive in addition to the information required by section 3 of this act; and

(b) The amount of time that such a record must be maintained by the dispensing pharmacist or his or her employer.

3. In consultation with the State Board of Pharmacy, the State Board of Health shall adopt regulations that prescribe:

(a) A risk assessment questionnaire that ~~[may]~~ must be ~~[administered upon request]~~ provided to a patient who requests a self-administered hormonal contraceptive pursuant to section 3 of this act.

(b) The information that must be provided in writing to a patient to whom a self-administered hormonal contraceptive is dispensed pursuant to section 3 of this act, which may include, without limitation, information concerning:

(1) The importance of obtaining recommended tests and screening from the patient's attending provider or another qualified provider of health care who specializes in women's health;

(2) The effectiveness of long-acting reversible contraceptives as an alternative to self-administered hormonal contraceptives;

(3) When to seek emergency medical services as a result of administering a self-administered hormonal contraceptive; and

(4) The risk of contracting a sexually transmitted infection and ways to reduce that risk.

4. The Division shall provide on an Internet website maintained by the Division an electronic link to the list of pharmacies maintained by the State Board of Pharmacy pursuant to section 3 of this act.

5. As used in this section:

(a) "Attending provider" has the meaning ascribed to it in section 3 of this act.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Self-administered hormonal contraceptive" has the meaning ascribed to it in section 2 of this act.

Sec. 9. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within

each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 10. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A carrier must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[~~2018,~~]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A society must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022,* has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any

available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide

the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service 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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A health maintenance organization must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before

the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section 3 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A managed care organization must 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. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2022*, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

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. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes 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 Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 451 makes two changes to Senate Bill No. 190. The amendment clarifies that the pharmacist must provide the risk-assessment questionnaire to a person who requests a self-administered hormonal contraceptive and clarifies that the patient must complete the questionnaire.

Amendment adopted.

Bill read third time.

Remarks by Senators Cannizzaro and Hardy.

SENATOR CANNIZZARO:

Senate Bill No. 190 requires the State's Chief Medical Officer to issue a standing order allowing a pharmacist to dispense self-administered hormonal contraceptives in accordance with a protocol established by the State Board of Health. To dispense such contraceptives, a pharmacist must provide a risk-assessment questionnaire to a patient who requests a self-administered hormonal contraceptive, create a record, provide the patient with certain information and comply with relevant regulations and guidelines. The State Board of Pharmacy may suspend or revoke the certificate of a pharmacist who does not comply with these requirements.

The State Board of Pharmacy and the Division of Public and Behavioral Health of DHHS must post on a website a list of pharmacies that dispense self-administered contraceptives under the standing order. The bill also requires certain health insurers to cover self-administered hormonal contraceptives dispensed by a pharmacist.

I am pleased to be supporting Senate Bill No. 190 and urge my colleagues to do the same. This is a critical piece of access to health care for women. Studies have shown that 99 percent of sexually active women have used some form of birth control. Some of the biggest barriers to this are being able to get an appointment with a doctor and obtaining a subscription. This bill seeks to remove some of those barriers in a way that keeps the patient safe, makes sense and allows for greater access to that necessary health care. I urge my colleagues to vote in favor of this bill.

SENATOR HARDY:

I support Senate Bill No. 190. It allows women to have an informed option for birth control. I will be voting in favor of the bill.

Roll call on Senate Bill No. 190:

YEAS—21.

NAYS—None.

Senate Bill No. 190 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered reprinted, engrossed and to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:11 p.m.

SENATE IN SESSION

At 7:46 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 100, 171, 181, 184, 217, 231, 282, 335, 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. 102, 210, 354, 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 were referred Senate Bills Nos. 67, 77, 253, 298, 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 was referred Senate Bill No. 285, 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. 305, 325, 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. 22, 94, 165, 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 Legislative Operations and Elections, to which were referred Senate Bills Nos. 51, 263, 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*

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 114, 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, to which was re-referred Senate Bill No. 112, 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*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 19, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 198, 281, 291, 295, 402.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis has approved the addition of Senator Buck as a primary sponsor of Senate Bill No. 172.

Senator Cannizzaro has approved the addition of Senator Spearman as a sponsor of Senate Bill No. 190.

Senator Cannizzaro has approved the addition of Senators Donate, Lange, Neal, Ohrenschall and Scheible as sponsors of Senate Bill No. 243.

Senator Cannizzaro moved that Senate Bills Nos. 127, 177 be taken from the General File and placed at the bottom of the General File on the fifth Agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 294 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 170.

Bill read second time.

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

Amendment No. 122.

SUMMARY—Makes various changes relating to off-highway vehicles. (BDR 43-464)

AN ACT relating to off-highway vehicles; ~~[revising the registration requirements for off-highway vehicles;]~~ requiring, with certain exceptions, the owner of an off-highway vehicle to obtain an annual Off-Highway Vehicle decal; requiring certain children to wear a helmet when operating, using or riding an off-highway vehicle; revising the membership of the Commission on Off-Highway Vehicles; ~~[eliminating exceptions from the registration requirements for certain off-highway vehicles;]~~ transferring certain duties related to the ~~[registration and]~~ regulation of off-highway vehicles from the Department of Motor Vehicles to the Off-Highway Vehicles Program of the State Department of Conservation and Natural Resources and the Commission ; ~~[, respectively;]~~ providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, an owner of an off-highway vehicle to register the off-highway vehicle with the Department of Motor Vehicles by submitting an application that includes various information, including a vehicle identification number or other identifying number, and evidence of ownership or, if the vehicle is a large all-terrain vehicle, by submitting an application which also includes proof of insurance for the vehicle. (NRS 490.082, 490.0825) Section 3 of this bill ~~[revises]~~ eliminates the registration requirements ~~[to, instead, require]~~ and requires, instead, an owner of any off-highway vehicle, including a large all-terrain vehicle, to obtain an annual ~~[registration]~~ Off-Highway Vehicle decal from the Off-Highway Vehicles Program of the State Department of Conservation and Natural Resources or any entity authorized under an agreement or contract with the Off-Highway Vehicles Program to sell such decals. Sections 5, 8, 9, 11-13, 15, 17, 18, 20-23, 25 and 26 of this bill make conforming changes to: (1) remove references to the authority of the Department of Motor Vehicles over the registration of off-highway vehicles; and (2) place the responsibility

for administering ~~[the registration of off-highway vehicles]~~ Off-Highway Vehicle decals with the Off-Highway Vehicles Program and regulatory authority with the Commission on Off-Highway Vehicles.

Under existing law, an off-highway vehicle is not required to be registered in this State if the off-highway vehicle is registered or certified in another state and is located in this State for not more than 15 days. Also, the registration requirements do not apply to an owner of an off-highway vehicle who is not a resident of this State. (NRS 490.082) Sections 3 and 14 of this bill ~~[eliminate these exceptions and]~~ require , with certain exceptions, any person who operates an off-highway vehicle in the State to pay an annual ~~[registration]~~ Off-Highway Vehicle decal fee and attach the annual ~~[registration]~~ Off-Highway Vehicle decal to the off-highway vehicle.

Under existing law, the definitions of "consignment" and "consignment contract" refer to the registered owner or lienholder who engages in a transaction for consignment and sale of an off-highway vehicle. (NRS 490.026, 490.028) Sections 6 and 7 of this bill revise these definitions to instead refer to the titled owner or lienholder.

Existing law creates the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration and requires that fees received by the Department of Motor Vehicles for the registration of off-highway vehicles be deposited in the Account. (NRS 490.084, 490.085) Section 16 of this bill, instead, requires that registration fees be deposited in the Account for Off-Highway Vehicles created for use by the Off-Highway Vehicles Program.

Section 19 of this bill requires a large all-terrain vehicle to obtain an annual ~~[registration]~~ Off-Highway Vehicle decal from the Off-Highway Vehicles Program and carry insurance for the vehicle in order for the vehicle to be operated on certain roads. Section 1 of this bill makes a conforming change related to proof of such insurance.

Section 24 of this bill revises the duties of the Director of the State Department of Conservation and Natural Resources and the Off-Highway Vehicles Program to include administering the ~~[registration of off-highway vehicles.]~~ issuance of Off-Highway Vehicle decals.

Existing law requires the operator of an off-highway vehicle that is being driven on a highway in this State to wear a helmet. (NRS 490.130) Section 4 of this bill prohibits the parent or legal guardian of a child who is less than 16 years of age from knowingly allowing the child to operate, use or ride an off-highway vehicle in this State unless the child wears a helmet ~~[.]~~ and makes a violation of this prohibition punishable by the imposition of a civil penalty of not more than $250. Section 23 of this bill makes a conforming change to clarify that a violation of section 4 is not a misdemeanor.

Under existing law, the Director of the Department of Motor Vehicles is a nonvoting, ex officio member of the Commission on Off- Highway Vehicles. (NRS 490.067) Section 10 of this bill removes the Director of the Department as a member of the Commission ~~[.]~~ and adds the Director of the Department of Wildlife as a member of the Commission.

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

Section 1. NRS 484A.650 is hereby amended to read as follows:

484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or ~~[490.0825]~~ *490.105* and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 4 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

(a) May sign the citation on behalf of the owner; and

(b) Shall notify the owner of the citation within 3 days after it is issued.

➥ The agency which employs the peace officer shall immediately forward a copy of the citation to the ~~[registered]~~ *titled* owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of ~~[registration.]~~ *title.*

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 2. Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. Except as otherwise provided in subsection 6, a person shall not operate an off-highway vehicle in this State unless ~~[the person has:~~*

~~(a) Paid to the Off-Highway Vehicles Program created by NRS 232.1585 a registration fee established pursuant to NRS 490.084; and~~

~~(b) Attached the registration]~~ an Off-Highway Vehicle decal issued pursuant to subsection 2 is attached to the off-highway vehicle so that the decal is clearly visible in the manner set forth by the Commission pursuant to subsection 4.

2. The Off-Highway Vehicles Program shall issue to ~~[a]~~ any person who pays the fee established pursuant to NRS 490.084 ~~[a registration]~~ an Off-Highway Vehicle decal as evidence of the payment of the registration fee.

3. Each ~~[registration]~~ Off-Highway Vehicle decal is valid for 1 ~~[calendar]~~ year ~~[. Only a valid decal for the current calendar year may be displayed on an off-highway vehicle.]~~ from the date of the decal's purchase.

4. Each ~~[registration]~~ Off-Highway Vehicle decal issued pursuant to this section must be:

(a) At least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high; and

(b) Displayed on the off-highway vehicle in the manner set forth by the Commission.

5. The Off-Highway Vehicles Program may enter into agreements or contracts to authorize any off-highway vehicle dealer, state agency or private vendor to sell ~~[registration]~~ Off-Highway Vehicle decals . ~~[for off-highway vehicles.]~~ An agreement or contract entered into pursuant to this section:

(a) Must require the entity who collects the ~~[registration]~~ Off-Highway Vehicle decal fee to submit to the State Treasurer for credit to the Account for Off-Highway Vehicles created by NRS 490.069 all fees collected by the entity from the sale of each ~~[registration]~~ Off-Highway Vehicle decal and properly account for those fees each month; and

(b) May authorize the entity to charge and retain a fee of not more than $2 for each ~~[registration]~~ Off-Highway Vehicle decal sold by the entity.

6. ~~[Registration of an off-highway vehicle]~~ An Off-Highway Vehicle decal is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(d) Is used for work conducted by or at the direction of a public or private utility;

(e) Was manufactured before January 1, 1976;

(f) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(g) ~~[Except as otherwise provided in paragraph (e), is]~~ Is only operated ~~[or]~~ and stored on private land ; ~~[or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;]~~

(h) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(i) Has a displacement of not more than 70 cubic centimeters.

➥ *As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.*

7. The Commission may adopt regulations to carry out the provisions of this section.

Sec. 4. *1. The parent or legal guardian of a child who is less than 16 years of age shall not knowingly allow the child to operate, use or ride, as applicable, an off-highway vehicle in this State unless the child wears a helmet.*

2. A violation of subsection 1:

(a) Is punishable by the imposition of a civil penalty of not more than $250;

(b) Is not a misdemeanor for the purposes of NRS 490.520;

(c) Is not a moving traffic violation for the purposes of NRS 483.473 and must not be recorded by the Department on a driver's record;

~~*[(b)]*~~ *(d) Is not a ground for taking a child into custody pursuant to NRS 62C.010;* ~~*[and*~~

~~*(c)]*~~ *(e) Does not constitute* ~~*[:*~~

~~*(1) Abuse,]*~~ *the abuse or neglect* ~~*[or endangerment]*~~ *of a child* ~~*[pursuant to NRS 200.508 on the part of a parent, guardian or other adult.*~~

~~*(2) Contributory negligence per se and is not admissible as evidence of contributory negligence in a personal injury action.]*~~ *, as defined in NRS 432B.020, and is not a ground for removing a child from the custody of the parent or legal guardian; and*

(f) Except as otherwise provided in paragraph (a), is not admissible as evidence in any civil or criminal proceeding.

Sec. 5. NRS 490.020 is hereby amended to read as follows:

490.020 "Authorized dealer" means a dealer authorized by the Department to receive and submit to the Department applications for the issuance of certificates of title for ~~[, and registrations of,]~~ off-highway vehicles pursuant to NRS 490.070.

Sec. 6. NRS 490.026 is hereby amended to read as follows:

490.026 "Consignment" means any transaction whereby the ~~[registered]~~ *titled* owner or lienholder of an off-highway vehicle ~~[subject to registration pursuant to this chapter]~~ agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell, exchange, negotiate or attempt to negotiate a sale or an exchange of the interest of the ~~[registered]~~ *titled* owner or lienholder in the off-highway vehicle, whether or not for compensation.

Sec. 7. NRS 490.028 is hereby amended to read as follows:

490.028 "Consignment contract" means a written agreement between a ~~[registered]~~ *titled* owner or lienholder of an off-highway vehicle and a consignee to whom the off-highway vehicle has been entrusted by consignment for the purpose of sale that specifies the terms and conditions of the consignment and sale.

Sec. 8. NRS 490.060 is hereby amended to read as follows:

490.060 1. "Off-highway vehicle" means a motor vehicle that is designed primarily for off-highway and all-terrain use. The term includes, but is not limited to:

(a) An all-terrain vehicle, including, without limitation, a large all-terrain vehicle *;* ~~[without regard to whether that large all-terrain vehicle is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State;]~~

(b) An all-terrain motorcycle;

(c) A dune buggy;

(d) A snowmobile; and

(e) Any motor vehicle used on public lands for the purpose of recreation.

2. The term does not include:

(a) A motor vehicle designed primarily for use in water;

(b) A motor vehicle that is registered by the Department in accordance with chapter 482 of NRS;

(c) A low-speed vehicle as defined in NRS 484B.637; or

(d) Special mobile equipment, as defined in NRS 482.123.

Sec. 9. NRS 490.066 is hereby amended to read as follows:

490.066 Except as otherwise provided in NRS 232.1585 , ~~[and]~~ 490.068 ~~[,]~~ *and 490.084 and section 3 of this act*, the Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

Sec. 10. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created in the State Department of Conservation and Natural Resources.

2. The Commission consists of:

(a) One member who is an authorized dealer, appointed by the Governor;

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation, appointed by the Governor; and

(g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles and who is involved with or participates in the racing of off-highway motorcycles; and

(3) One member who represents persons who own or operate snowmobiles.

3. The following are nonvoting, ex officio members of the Commission:

(a) The State Director of the Nevada State Office of the Bureau of Land Management;

(b) The Forest Supervisor for the Humboldt-Toiyabe National Forest*; ~~[and]~~*

(c) The Director of the Department of Tourism and Cultural Affairs ~~[.]~~ ; and

(d) The Director of the Department of ~~[Motor Vehicles.]~~ *Wildlife.*

4. A nonvoting, ex officio member of the Commission may appoint, in writing, an alternate to serve in his or her place on the Commission.

5. The Governor shall not appoint to the Commission any member described in paragraph (g) of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

6. After the initial terms, each member of the Commission appointed pursuant to subsection 2 serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

7. Except as otherwise provided in this subsection, a member of the Commission who is appointed may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

8. The Governor shall ensure that, insofar as practicable, the members appointed to the Commission pursuant to subsection 2 reflect the geographical diversity of this State.

9. Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally.

(b) Who is not an officer or employee of the State of Nevada is entitled to receive, if money is available for that purpose, a salary of not more than $80 per day for each day of attendance at a meeting of the Commission.

(c) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State.

10. A member of the Commission who is appointed by the Governor and who fails to attend at least three consecutive meetings of the Commission is subject to replacement. The Commission shall notify the appointing authority or group who recommended the member for appointment, if any, and the appointing authority or group may recommend a person to replace that member of the Commission. The replacement of a member pursuant to this subsection must be conducted in the same manner as the original appointment.

Sec. 11. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair and Vice Chair from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) Provide direction to the Off-Highway Vehicles Program created by NRS 232.1585.

(e) Perform the duties assigned to the Commission set forth in NRS ~~[490.083 and]~~ 490.084 ~~[.]~~ *and section 3 of this act.*

2. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such an applicant may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any applicant requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account, including, without limitation, developing criteria:

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

4. The Commission may solicit input regarding applications for grants from a technical advisory committee formed pursuant to NRS 232.1585.

5. For each regular session of the Legislature, the Chair of the Commission shall review the comprehensive report prepared pursuant to NRS 232.1585. Upon approval of the report by the Chair of the Commission, the report must

be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 12. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The Director of the State Department of Conservation and Natural Resources shall administer 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. On or after July 1, 2017, money in the Account may only be used as follows:

(a) To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the administrative expenses of the Off Highway Vehicles Program created by NRS 232.1585, *including, without limitation, the administrative expenses associated with the ~~[registration of off-highway vehicles]~~ issuance of Off-Highway Vehicle decals pursuant to section 3 of this act*, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to NRS 232.1585.

(b) To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to NRS 232.1585.

(c) Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:

(1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this subparagraph may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

(2) The mapping and signing of those trails and facilities.

(3) The acquisition of land for those trails and facilities.

(4) The enhancement or maintenance, or both, of those trails and facilities.

(5) The construction of those trails and facilities.

(6) The restoration of areas that have been damaged by the use of off-highway vehicles.

(7) The construction of trail features and features ancillary to a trail including, without limitation, a trailhead or a parking area near a trailhead, which minimize impacts to environmentally sensitive areas or important wildlife habitat areas.

(8) Safety training and education relating to the use of off-highway vehicles.

(9) Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.

Sec. 13. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the ~~[~~:

~~(a) Issuance]~~ *issuance* of certificates of title ~~[and registration]~~ for off-highway vehicles . ~~[; and~~

~~(b) Renewal of registration for off-highway vehicles.]~~

2. An authorized dealer shall:

(a) Except as otherwise provided in subsection 4, submit to the State Treasurer for allocation to the Department all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(b) Comply with the regulations adopted pursuant to subsection 5; and

(c) Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation for the performance of any services pursuant to this section.

4. An authorized dealer may charge and collect a fee of not more than $2 for each application for a certificate of title ~~[or registration]~~ received by the authorized dealer pursuant to this section. An authorized dealer may retain any fee collected by the authorized dealer pursuant to this subsection.

5. The Department shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation, provisions for:

(a) The expedient and secure issuance of:

(1) Forms for applying for the issuance of certificates of title for ~~[, or registration of,]~~ off-highway vehicles; *and*

(2) Certificates of title ~~[and registration]~~ by the Department to each applicant whose application is approved by the Department; ~~[and~~

~~(3) Renewal notices for registrations before the date of expiration of the registrations;]~~

(b) ~~[The renewal of registrations by mail or the Internet;~~

~~(c) The collection of a fee of not less than $20 or more than $30 for the renewal of a registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825;~~

~~(d)]~~ The submission by mail or electronic transmission to the Department of an application for ~~[~~:

~~(1) The]~~ *the* issuance of a certificate of title for ~~[, or registration of,]~~ an off-highway vehicle; ~~[or~~

~~(2) The renewal of registration of an off-highway vehicle;~~

~~(e)]~~ *(c)* The replacement of a lost, damaged or destroyed certificate of title *;* ~~[or registration certificate, sticker or decal;]~~ and

~~[(f)]~~ *(d)* The revocation of the authorization granted to a dealer pursuant to subsection 1 if the authorized dealer fails to comply with the regulations.

Sec. 14. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011 ~~[:~~

~~(1) May]~~ , *may* apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off highway vehicle.

~~[(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.]~~

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle ~~[:~~

~~(1) Apply]~~ *apply* for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

~~[(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.]~~

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for ~~[:~~

~~(a) A]~~ *a* certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

~~[(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:~~

~~(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:~~

~~(I) That he or she is the owner of the off-highway vehicle; and~~

~~(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or~~

~~(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:~~

~~(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and~~

~~(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.]~~

3. ~~[Registration of an off-highway vehicle is not required if the off-highway vehicle:~~

~~(a) Is owned and operated by:~~

~~(1) A federal agency;~~

~~(2) An agency of this State; or~~

~~(3) A county, incorporated city or unincorporated town in this State;~~

~~(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;~~

~~(c) Is registered or certified in another state and is located in this State for not more than 15 days;~~

~~(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;~~

~~(e) Is used for work conducted by or at the direction of a public or private utility;~~

~~(f) Was manufactured before January 1, 1976;~~

~~(g) Is operated solely in an organized race, festival or other event that is conducted:~~

~~(1) Under the auspices of a sanctioning body; or~~

~~(2) By permit issued by a governmental entity having jurisdiction;~~

~~(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;~~

~~(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or~~

~~(j) Has a displacement of not more than 70 cubic centimeters.~~

~~➥ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.~~

~~4. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee, a late fee of $10 and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~5.]~~ If a certificate of title ~~[or registration]~~ for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title . ~~[or registration.]~~ The Department may collect a fee to replace a certificate

of title ~~[or registration certificate, sticker or decal]~~ that is lost, damaged or destroyed. Any such fee collected by the Department must be:

(a) Set forth by the Department by regulation; and

(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ created by NRS 490.085.

~~[6.]~~ *4.* The provisions of ~~[subsections 1 to 5, inclusive,]~~ *this section* do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 15. NRS 490.0835 is hereby amended to read as follows:

490.0835 1. The Department may assign a distinguishing number to any off-highway vehicle if:

(a) The off-highway vehicle does not have a unique vehicle identification number or serial number provided by the manufacturer of the vehicle;

(b) The unique vehicle identification number or serial number provided by the manufacturer of the off-highway vehicle has been removed, defaced, altered or obliterated; or

(c) The off-highway vehicle is homemade.

2. ~~[Any off-highway vehicle to which there is assigned a distinguishing number pursuant to subsection 1 must be registered, if required pursuant to NRS 490.082, under the distinguishing number.~~

~~3.]~~ The Department shall collect a fee of $2 for the assignment and recording of each such distinguishing number.

~~[4.]~~ *3.* The *unique vehicle identification number, serial number or distinguishing* number ~~[by which]~~ *obtained pursuant to this section of* an off-highway vehicle ~~[is registered pursuant to NRS 490.082 or 490.0825]~~ must be permanently stamped or attached to the vehicle. False attachment or willful removal, defacement, alteration or obliteration of such a number with intent to defraud is a gross misdemeanor.

Sec. 16. NRS 490.084 is hereby amended to read as follows:

490.084 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ created by NRS 490.085.

2. The Commission shall determine the fee for the annual ~~[registration]~~ *Off-Highway Vehicle decal* of an off-highway vehicle *issued* pursuant to ~~[NRS 490.082 or 490.0825,]~~ *section 3 of this act,* but such fee must not be less than $20 or more than $30. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the ~~[Revolving]~~ Account for ~~[the Administration of]~~ Off-Highway ~~[Vehicle Titling and Registration created by NRS 490.085.]~~ *Vehicles created by NRS 490.069 for use by the Off-Highway Vehicles Program created by NRS 232.1585.*

Sec. 17. NRS 490.085 is hereby amended to read as follows:

490.085 1. The Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ is hereby created in the State Highway Fund.

2. Except as otherwise provided in subsection 3, the Department shall use the money in the Account to pay the expenses of administering the provisions of this chapter relating to the titling ~~[and registration]~~ of off-highway vehicles.

3. At least once each fiscal quarter, the Department shall transfer any amount in excess of $150,000 in the Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ into the Account for Off-Highway Vehicles created by NRS 490.069.

4. Any money remaining in the Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ at the end of a fiscal year does not revert to the State Highway Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 18. NRS 490.086 is hereby amended to read as follows:

490.086 1. The Revolving Account for the Assistance of the Department is hereby created in the State Highway Fund.

2. All money received by the Department from the Federal Government or any other source to assist the Department in carrying out the provisions of this chapter relating to the titling ~~[and registration]~~ of off-highway vehicles must be deposited into the Account.

3. Money in the Account must be used only for the purposes specified in subsection 2.

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

Sec. 19. NRS 490.105 is hereby amended to read as follows:

490.105 1. Except as otherwise provided in subsection 2, a person may operate a large all-terrain vehicle on any portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road if the ~~[large]~~ *:*

(a) Large all-terrain vehicle ~~[:~~

~~(a) Meets]~~ *meets* the requirements set forth in NRS 490.120; ~~[and]~~

(b) ~~[Is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State.]~~ *Large all-terrain vehicle has been issued an annual ~~[registration]~~ Off-Highway Vehicle decal pursuant to section 3 of this act; and*

(c) Owner of the large all-terrain vehicle carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State and which meets the requirements of NRS 485.185.

2. The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road may by ordinance

or resolution prohibit the operation of large all-terrain vehicles on any portion of such a road.

Sec. 20. NRS 490.110 is hereby amended to read as follows:

490.110 1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the requirements of this chapter and the operator holds a valid driver's license and operates the off-highway vehicle in accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with NRS 490.090 to 490.130, inclusive ~~[.]~~ *, and section 4 of this act.*

2. An off-highway vehicle may not be operated pursuant to this section:

(a) On an interstate highway;

(b) On a paved highway in this State for more than 2 miles;

(c) Unless the highway is specifically designated for use by off-highway vehicles in a city whose population is 100,000 or more; or

(d) Unless it is a large all-terrain vehicle ~~[registered pursuant to NRS 490.0825 and]~~ being operated in accordance with NRS 490.105.

Sec. 21. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, *and sections 3 and 4 of this act* shall:

1. Comply with all traffic laws of this State;

2. Ensure that the *annual* ~~[registration]~~ *Off-Highway Vehicle decal* of the off-highway vehicle is attached to the vehicle in accordance with ~~[NRS 490.083]~~ *section 3 of this act* or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; and

3. Wear a helmet.

Sec. 22. NRS 490.510 is hereby amended to read as follows:

490.510 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 490.0827, 490.125 and 490.150 to 490.520, inclusive, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 23. NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or

(b) An application or document to obtain any license, permit ~~[,]~~ *or* certificate of title ~~[or registration]~~ issued under the provisions of this chapter.

2. Except as otherwise provided in subsections 3 and 4 ~~[,]~~ *and section 4 of this act,* it is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.

3. Except as otherwise provided in subsection 4 ~~[,]~~ *and section 4 of this act,* a person who violates a provision of this chapter relating to *the Off-Highway Vehicle decal or* the ~~[registration or]~~ operation of an off-highway vehicle is guilty of a misdemeanor and shall be punished by a fine not to exceed $100.

4. Any person ~~[who registers a large all-terrain vehicle pursuant to NRS 490.0825 and]~~ who:

(a) Operates or knowingly permits the operation of ~~[the]~~ *a large all-terrain* vehicle without having insurance as required by NRS ~~[490.0825;]~~ *490.105;*

(b) Operates or knowingly permits the operation of ~~[the]~~ *a large all-terrain* vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,

➥ is guilty of a misdemeanor and shall be punished by a fine not to exceed $100.

~~*[5. A parent or legal guardian of a child who is less than 16 years of age who knowingly allows the child to operate, use or ride, as applicable, an off-highway vehicle in this State without a helmet in violation of section 4 of this act is guilty of a misdemeanor and shall be punished by a fine not to exceed $100.]*~~

Sec. 24. NRS 232.1585 is hereby amended to read as follows:

232.1585 1. The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction to the Program pursuant to its authority and duties provided in NRS 490.068 and 490.069 ~~[.]~~ *and section 3 of this act.*

2. In administering the Program, the Director shall *:* ~~[, within the limits of authorized expenditures:]~~

(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; ~~[and]~~

(b) ~~[Provide]~~ *Administer the ~~[registration of off-highway vehicles]~~ issuance of Off-Highway Vehicle decals pursuant to section 3 of this act; and*

(c) Within the limits of authorized expenditures, provide staff to the Commission on Off-Highway Vehicles for the purposes of:

(1) Providing assistance, support and technical advice to the Commission; and

(2) Assisting in the coordination of the activities and duties of the Commission.

3. The Director may form a technical advisory committee as needed to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications received by the Commission for a grant from the Account for Off-Highway Vehicles.

4. The Director shall prepare, for each regular session of the Legislature, a comprehensive report that includes, without limitation:

(a) The general activities of the Commission on Off-Highway Vehicles;

(b) The fiscal activities of the Commission on Off-Highway Vehicles; and

(c) A summary of any grants awarded by the Commission on Off-Highway Vehicles.

➥ Upon completion of the report, the Director shall submit the report to the Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS 490.068.

5. The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:

(a) The operating expenses of the Commission on Off-Highway Vehicles;

(b) The administrative expenses of the Program to carry out the provisions of this section; and

(c) A reserve amount as approved by the Legislature.

6. The Director may adopt regulations for the operation of the Commission on Off-Highway Vehicles and the Program.

7. As used in this section:

(a) "Administrative expenses" includes, without limitation, hiring any staff necessary to carry out the provisions of this section.

(b) "Operating expenses" includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.

Sec. 25. 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.

4. 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.

5. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 26. NRS 490.0825 and 490.083 are hereby repealed.

Sec. 27. 1. This ~~[act]~~ section becomes effective ~~[:~~

~~1.]~~ upon passage and approval.

2. Sections 1 to 26, 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

~~[2.]~~ (b) On July 1, 2022, for all other purposes.

TEXT OF REPEALED SECTIONS

490.0825 Large all-terrain vehicle: Alternative registration; requirement for insurance; documents required.

1. Upon the request of an owner of a large all-terrain vehicle, the Department shall register the large all-terrain vehicle to operate on the roads specified in NRS 490.105.

2. The owner of a large all-terrain vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.

3. If an owner of a large all-terrain vehicle applies to the Department for the registration of the vehicle pursuant to this section, the owner shall submit to the Department:

(a) The information required for registration pursuant to NRS 490.082;

(b) The fee for registration required pursuant to NRS 490.084;

(c) Proof satisfactory to the Department that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and

(d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration.

490.083 Form, size, number and display of registration.

1. Each registration of an off-highway vehicle must:

(a) Be in the form of a sticker or decal, as prescribed by the Commission.

(b) Be at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.

(c) Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

(d) Be displayed on the off-highway vehicle in the manner set forth by the Commission.

2. The registration sticker or decal of a large all-terrain vehicle registered pursuant to NRS 490.0825 must be distinguishable from the sticker or decal of an off-highway vehicle registered pursuant to NRS 490.082 in a manner to be determined by the Department.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 122 to Senate Bill No. 170 eliminates references to "registration" of OHVs and substitutes "issuance" of decals. It closes a loophole so that only an OHV stored and used solely on private land is exempt from the decal requirement. It clarifies that a decal is good for one year from the date of purchase.

The amendment converts the punishment for a child not wearing a helmet from a misdemeanor to a civil infraction with a possible fine of $250. It makes a violation of the helmet requirement inadmissible in a civil or criminal action and prevents such a violation from being used in various child neglect, welfare or custody situations. It also adds the Director of the Nevada Department of Wildlife as an *ex officio* member of the OHV Commission.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 387.

SUMMARY—Revises provisions relating to the Commission to Study Governmental Purchasing. (BDR 17-512)

AN ACT relating to governmental purchasing; authorizing the Commission to Study Governmental Purchasing to request the drafting of ~~[certain]~~ not more than 1 legislative ~~[measures;]~~ measure for each regular session of the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 1 of this bill authorizes the Commission to Study Governmental Purchasing to request for each regular session of the Legislature the drafting of not more than ~~[2]~~ 1 legislative ~~[measures]~~ measure which ~~[relate]~~ relates to matters within

the scope of the Commission. Section 2 of this bill makes conforming changes to indicate the placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Commission to Study Governmental Purchasing created by NRS 332.215 may request the drafting of not more than ~~[2]~~ 1 legislative ~~[measures]~~ measure which ~~[relate]~~ relates to matters within the scope of the Commission. The ~~[requests]~~ request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. ~~[Each]~~ A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. ~~[The]~~ A legislative ~~[measures]~~ measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 2. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, *and section 1 of this act* apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 1 of this act* for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 1 of this act,* but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 3. This act becomes effective on July 1, 2021.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 387 to Senate Bill No. 176 reduces, from two to one, the number of bill draft request allocations for the Commission to Study Governmental Purchasing.

Amendment adopted.

The following amendment was proposed by Senator Spearman:

Amendment No. 388.

SUMMARY—Revises provisions relating to the Commission to Study Governmental Purchasing. (BDR 17-512)

AN ACT relating to governmental purchasing; authorizing the Commission to Study Governmental Purchasing to request the drafting of certain legislative measures; revising the duties of the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 1 of this bill authorizes the Commission to Study Governmental Purchasing to request for each regular session of the Legislature the drafting of not more than 2 legislative measures which relate to matters within the scope of the Commission. Section 2 of this bill makes conforming changes to indicate the placement of section 1 in the Nevada Revised Statutes.

Existing law requires the Commission to meet periodically to study practices in governmental purchasing and laws relating thereto and make recommendations to the Legislature with respect to those laws. (NRS 332.215) Section 2.5 of this bill specifically requires the Commission to study and make recommendations to the Legislature with regard to best practices for awarding governmental purchasing contracts to companies that represent the diversity of this State or are located within communities served by the local government that is awarding the contract.

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

Section 1. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Commission to Study Governmental Purchasing created by NRS 332.215 may request the drafting of not more than 2 legislative measures which relate to matters within the scope of the Commission. The requests must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 2. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, *and section 1 of this act* apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, *and section 1 of this act* for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, *and section 1 of this act,* but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2.5. NRS 332.215 is hereby amended to read as follows:

332.215 1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing *, including, without limitation, best practices for awarding contracts to companies that represent the diversity of this State or are located within communities served by the governing body that is awarding the contract,* and laws relating thereto *.* ~~[and]~~ *The Commission* shall make recommendations with respect to those *practices and* laws to the next regular session of the Legislature.

Sec. 3. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 388 to Senate Bill No. 176 requires the Commission to Study Governmental Purchasing to study best practices for awarding contracts to companies that represent the diversity of this State or that are located within communities served by the governing body awarding the contract.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 198.

Bill read second time.

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

Amendment No. 413.

SUMMARY—Provides for the regulation of on-demand pay providers. (BDR 52-847)

AN ACT relating to financial services; requiring a person who provides on-demand pay services through certain contractual arrangements with an employer or certain other persons to obtain a license from the Commissioner of Financial Institutions; imposing certain requirements on such licensees; requiring a person who provides on-demand pay services and who is not such

a licensee to comply with certain provisions relating to installment loans and high-interest loans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-21 of this bill establish provisions relating to a business that delivers to a person money that represents income that the person has earned for services rendered to an employer but that has not yet been paid to the person. Section 8 of this bill defines "on-demand pay provider" as a person who engages in such a business. Section 9 of this bill defines "on-demand pay services" as the delivery to a person of money that represents earned but unpaid income.

Sections 7 and 10 of this bill establish two types of on-demand pay providers, which are referred to as employer-integrated on-demand pay providers and third-party on-demand pay providers. Section 7 generally defines "employer-integrated on-demand pay provider" to mean an on-demand pay provider who provides on-demand pay services to a person through a contractual arrangement with the person's employer in which the provider verifies the earned income of the person through data or information provided by the employer. Section 10 defines "third-party on-demand pay provider" to mean an on-demand pay provider who is not an employer-integrated on-demand pay provider.

Section 12 of this bill prohibits a person from engaging in the business of an employer-integrated on-demand pay provider without a license issued by the Commissioner of Financial Institutions. Sections 12-14 of this bill set forth certain requirements for licensure as an employer-integrated on-demand pay provider. Section 14.2 of this bill requires each holder of a license as an employer-integrated on-demand pay provider to maintain a surety bond. Sections 14.3-14.4 of this bill authorize the Commissioner to conduct certain examinations of licensees. Section 14.45 of this bill requires the Commissioner to charge a fee for such examinations. Sections 14.5-14.6 of this bill set forth certain procedures for disciplinary actions against a licensee or person who violates the provisions of this bill. Section 14.65 of this bill sets forth a process for filing complaints against a licensee. Sections 14.7 and 14.75 of this bill requires a licensee to submit a notice to and obtain the approval of the Commissioner before taking certain actions. Section 15 of this bill requires ~~[an employer-integrated on-demand pay provider to]~~ a licensee to submit certain information to the Commissioner annually.

Section 16 of this bill sets forth certain requirements for the operation of an employer-integrated on-demand pay provider. Section 17 of this bill provides that if an employer-integrated on-demand pay provider is unable to be repaid the amount of money delivered to a recipient of on-demand pay services, the provider is prohibited from: (1) collecting or attempting to collect that money from the recipient; ~~[or]~~ (2) reporting certain information to a consumer reporting agency ~~[.]~~ ; or (3) debiting the bank account of the user without his or her affirmative consent. Section 18 of this bill prohibits an

employer-integrated on-demand pay provider from sharing certain fees with or paying certain compensation to an employer.

Section 20 of this bill provides that on-demand pay services provided by an employer-integrated on-demand pay provider are not a loan and are not subject to any provisions of existing law governing loans. Section 22 of this bill provides that the provisions of existing law governing persons engaged in the business of transmitting money do not apply to an employer-integrated on-demand pay provider.

Section 21 of this bill provides that on-demand pay services provided by a third-party on-demand pay provider are a loan. Section 21 prohibits a person from engaging in the business of a third-party on-demand pay provider unless the person has been issued a license pursuant to the provisions of existing law governing installment loans or high-interest loans, as applicable. (Chapters 604A and 675 of NRS)

Section 19 of this bill authorizes the Commissioner to adopt regulations for the administration and enforcement of sections 2-21. Section 22.5 of this bill requires the Commissioner to, on or before December 31, 2023, submit a report to the Legislature containing certain information relating to the regulation of on-demand pay services.

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

Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Commissioner" means the Commissioner of Financial Institutions.*

Sec. 4. *"Earned but unpaid income" means earned income that has not yet been paid to the user by an employer.*

Sec. 5. *"Earned income" means money that has accrued to the benefit of a user for services rendered to an employer.*

Sec. 6. *1. "Employer" means:*

(a) A person who employs a user; or

(b) Any other person who is contractually obligated to pay a user any sum of money on an hourly, project-based, piecework or other basis for services provided by the user.

2. The term does not include:

(a) A customer of an employer; or

(b) Any other person whose obligation to make a payment to a user is based solely on the agency relationship between the user and the employer.

Sec. 7. *"Employer-integrated on-demand pay provider" means an on-demand pay provider who provides on-demand pay services to a user through a contractual arrangement with the user's employer or a person who*

provides payroll services to the employer, in which the provider verifies the earned income of the user through data or information provided by the employer or person, as applicable.

Sec. 7.5. *"Licensee" means a person who has been issued one or more licenses to engage in the business of an employer-integrated on-demand pay provider.*

Sec. 8. *"On-demand pay provider" means a person who is engaged in the business of providing on-demand pay services to a user in this State.*

Sec. 9. *"On-demand pay services" means the delivery to a user of money that represents earned but unpaid income.*

Sec. 10. *"Third-party on-demand pay provider" means an on-demand pay provider who is not an employer-integrated on-demand pay provider.*

Sec. 11. *"User" means a natural person who receives on-demand pay services.*

Sec. 12. *1. A person shall not engage in the business of an employer-integrated on-demand pay provider unless the person has been issued a license by the Commissioner pursuant to this section.*

2. A person who wishes to be licensed as an employer-integrated on-demand pay provider must submit to the Commissioner the fee established pursuant to subsection 5 and an application, on a form prescribed by the Commissioner, which must contain:

(a) The name and address of the applicant;

(b) Financial statements of the applicant for the immediately preceding year which have been audited by an independent certified public accountant;

(c) A copy of the proposed terms and conditions or terms of use which will govern the provision of on-demand pay services by the applicant;

(d) A copy of the policy of the applicant relating to the privacy of information concerning users;

(e) The schedule of fees proposed to be charged to a user or employer for the provision of on-demand pay services; and

(f) Any other information required by any regulations adopted by the Commissioner pursuant to section 19 of this act.

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the Commissioner shall issue to the applicant a license as an employer-integrated on-demand pay provider.

4. ~~*[A]*~~ *Except as otherwise provided by regulation of the Commissioner, a license issued pursuant to this section expires annually on the anniversary of the issuance of the license and may be renewed upon submission of an application for renewal containing such information as the Commissioner may require by regulation.*

5. The Commissioner shall establish by regulation fees for the issuance and renewal of a license issued pursuant to this section.

6. A license issued pursuant to this section is not transferrable or assignable.

Sec. 12.5. 1. In addition to any other requirements set forth in this chapter, each applicant for licensure as an employer-integrated on-demand pay provider must submit:

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

(1) Is competent to transact the business of an employer-integrated on-demand pay provider.

(2) Has not made a false statement on the application for the license.

(3) Has not committed any of the acts specified in subsection 2.

(4) Has not had a license as an employer-integrated on-demand pay provider suspended or revoked within the 10 years immediately preceding the date of the application.

(5) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(6) If the applicant is a natural person:

(I) Is at least 21 years of age; and

(II) Is a citizen of the United States or lawfully entitled to work in the United States.

(b) A complete set of his or her fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

2. In addition to any other lawful reasons, the Commissioner may refuse to issue a license to an applicant for licensure as an employer-integrated on-demand pay provider if the applicant:

(a) Has committed or participated in any act for which, if committed or done by a licensee, would be grounds for the suspension or revocation of the license.

(b) Has previously been refused a license pursuant to this chapter or has had such a license suspended or revoked.

(c) Has participated in any act which was a basis for the refusal or revocation of a license pursuant to this chapter.

(d) Has falsified any of the information submitted to the Commissioner in support of the application for the license.

Sec. 13. *1. In addition to the requirements set forth in ~~[section]~~ sections 12 and 12.5 of this act, a natural person who applies for the issuance or renewal of a license as an employer-integrated on-demand pay provider shall:*

(a) Include the social security number of the applicant in the application submitted to the Commissioner; and

(b) Submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to paragraph (b) of subsection 1 in:

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

(b) A separate form prescribed by the Commissioner.

3. A license as an employer-integrated on-demand pay provider may not be issued or renewed by the Commissioner if the applicant:

(a) Fails to submit the statement required pursuant to paragraph (b) of subsection 1; or

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

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

Sec. 14. *1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as an employer-integrated on-demand pay provider, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Commissioner shall reinstate a license as an employer-integrated on-demand pay provider that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 14.2. *1. Each licensee shall have in force a surety bond payable to the State of Nevada in the amount of $35,000.*

2. The bond must be in a form satisfactory to the Commissioner, issued by a bonding company authorized to do business in this State and must secure the faithful obligations of the holder of the license.

3. A licensee shall, within 10 days after the commencement of any action or notice of entry of any judgment against the person by any creditor or claimant arising out of the business of an employer-integrated on-demand pay provider, give notice thereof to the Commissioner by registered or certified mail with details sufficient to identify the action or judgment. The surety shall, within 10 days after it pays any claim or judgment to a creditor or claimant, give notice thereof to the Commissioner by certified mail with details sufficient to identify the creditor or claimant and the claim or judgment so paid.

4. Whenever the principal sum of the bond is reduced by recoveries or payments thereon, the holder shall furnish:

(a) A new or additional bond so that the total or aggregate principal sum of the bonds equals the sum required pursuant to subsection 1; or

(b) An endorsement, duly executed by the surety, reinstating the bond to the required principal sum.

5. The liability of the surety on a bond to a creditor or claimant is not affected by any misrepresentation, breach of warranty, failure to pay a premium or other act or omission of the licensee, or by any insolvency or bankruptcy of the licensee.

6. The liability of the surety continues as to all transactions entered into in good faith by the creditors and claimants with the agents of the licensee within 30 days after:

(a) The death of the licensee or the dissolution of liquidation of the business of the licensee; or

(b) The termination of the bond,

➥ *whichever occurs first.*

Sec. 14.25. Each license as an employer-integrated on-demand pay provider shall remain in full force and effect until it expires or is surrendered, revoked or suspended as provided in this chapter and the regulations adopted pursuant thereto.

Sec. 14.3. 1. For the purpose of discovering violations of this chapter or securing information lawfully required under this chapter, the Commissioner or his or her duly authorized representative may, upon reasonable prior notice, examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of an employer-integrated on-demand pay provider or participating in such business as a principal, agent, broker or otherwise; and

(c) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purposes of examination, the Commissioner or his or her authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. For the purposes of this section, any person who advertises for, solicits or holds himself or herself out as willing to provide on-demand pay services through a contractual arrangement with an employer is presumed to be engaged in the business of an employer-integrated on-demand pay provider.

4. This section does not entitle the Commissioner or his or her authorized representatives to investigate the business or examine the books, accounts, papers or records of any attorney who is not a person described in subsection 1, other than examination of those books, accounts, papers and records maintained by such attorney in his or her capacity as a registered agent, and then only to the extent such books, accounts, papers and records are not subject to any privilege in NRS 49.035 to 49.115, inclusive.

Sec. 14.35. 1. The Commissioner may require the attendance of any person and examine him or her under oath regarding:

(a) Any licensee; or

(b) The subject matter of any audit, examination, investigation or hearing.

2. The Commissioner may require the production of books, accounts, papers and records for any audit, examination, investigation or hearing.

Sec. 14.4. The Commissioner may annually make an examination of the place of business of each licensee and of the transactions, books, accounts, papers and records of the person as they pertain to the business of an employer-integrated on-demand pay provider.

Sec. 14.45. 1. The Commissioner shall charge and collect from each licensee a fee at the rate established and, if applicable, adjusted pursuant to NRS 658.101 for the cost of any supervision, audit, examination, investigation or hearing conducted pursuant to this chapter or any regulations adopted pursuant thereto.

2. All money collected by the Commissioner pursuant to subsection 1 must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 14.5. If the Commissioner finds that probable cause for revocation of a license of a licensee exists and that enforcement of this chapter requires immediate suspension of such a license pending investigation, he or she may, upon 5 days' written notice and a hearing, enter an order suspending the license for a period of not more than 20 days, pending a hearing about the revocation.

Sec. 14.55. 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, the Commissioner may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

Sec. 14.6. *If the Commissioner has reason to believe that grounds for revocation or suspension of a license of a licensee exist, he or she shall notify the licensee not later than 20 days before the date of the hearing. Such notice must state the contemplated action and, in general, the grounds therefor and set a date for a hearing.*

Sec. 14.65. *1. A user, an attorney for a user or any other person who believes that any provision of this chapter has been violated may file a complaint with the Commissioner. Such a complaint must include:*

(a) The full name and address of the person filing the complaint;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred, including, without limitation, the date, time and place of the alleged violation and the name of each person involved in the alleged violation; and

(c) A certification by the person filing the complaint that the facts alleged in the complaint are true to the best knowledge and belief of the person.

2. Upon receipt of a complaint filed pursuant to subsection 1, the Commissioner shall send a copy of the complaint to the accused licensee. The licensee shall file a verified answer to the complaint within 10 business days after receipt of the complaint, unless, for good cause shown, the Commissioner extends the time for a period of not more than 30 days. If the licensee, or an authorized representative of the licensee, fails to file a verified answer within the time required by this subsection, the licensee shall be deemed to have admitted to the allegations contained in the complaint.

3. The Commissioner may make investigations and conduct hearings concerning complaints filed with the Commissioner pursuant to this section.

4. Except as otherwise provided in this section, a complaint filed with the Commissioner pursuant to subsection 1, all documents and other information filed with the complaint and all documents, reports and other information resulting from the investigation of the complaint are confidential and may be disclosed only as the Commissioner deems necessary to administer the provisions of this chapter.

Sec. 14.7. *1. A licensee shall not make any of the following changes unless the licensee has obtained the prior approval of the Commissioner in accordance with the provisions of this section:*

(a) A change in the ownership of 20 percent or more of the capital stock or other equivalent ownership interest of the licensee;

(b) A change in control the of the licensee;

(c) A change in the name of the licensee, including the name under which the licensee is doing business; or

(d) A change in the principal business address of the licensee or in the address of any office of the licensee in this State.

2. A licensee who wishes to make any change described in subsection 1 must, not less than 10 business days before the date on which the change is to occur, submit a notice to the Commissioner. Such notice must include any information that the Commissioner may require.

3. Upon receipt of a notice submitted pursuant to subsection 2, the Commissioner shall approve or disapprove the proposed change. The Commissioner may disapprove a proposed change if, in the reasonable judgment of the Commissioner, the proposed change is inconsistent with the requirements of this chapter. If the Commissioner does not respond to a licensee who submits a notice pursuant to subsection 2, including, without limitation, any request by the Commissioner for additional information from the licensee, within 10 business days of the date on which the notice was submitted, the proposed change shall be deemed approved.

4. As used in this section, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policy of the licensee.

Sec. 14.75. In addition to the notice requirements set forth in section 14.7 of this act, a licensee must, before making a change in the principal officers or directors of a licensee, submit a notice to the Commissioner within a time period prescribed by the Commissioner. If the submission of such a notice is not possible before the change due to the unilateral resignation of a principal officer or director or other similar circumstance, the licensee must submit to the Commissioner a notice as promptly as possible after such a change. If, in the reasonable judgment of the Commissioner, the change in the principal officers or directors of the licensee is inconsistent with the requirements of this chapter, the Commissioner may require the licensee to take such action as the Commissioner deems necessary to ensure compliance with the provisions of this chapter.

Sec. 15. 1. On or before ~~[June 30]~~ April 15 of each year, ~~[an employer-integrated on-demand pay provider]~~ a licensee shall submit to the Commissioner:

(a) Except as otherwise provided in subsection 2, financial statements for the immediately preceding year that have been audited by an independent certified public accountant; and

(b) A copy of each complaint that has been filed against the ~~[employer-integrated on-demand pay provider]~~ licensee with the Better Business Bureau or the Consumer Financial Protection Bureau and a description of the resolution, if any, of each such complaint.

2. If audited financial statements are not available to an employer-integrated on-demand pay provider on or before ~~[June 30]~~ April 15 in any year, the ~~[provider]~~ licensee may satisfy the requirements of paragraph (a) of subsection 1 by submitting to the Commissioner:

(a) Unaudited financial statements on or before ~~[June 30;]~~ April 15; and

(b) Audited financial statements when such statements become available to the ~~[provider.]~~ licensee.

Sec. 16. *An employer-integrated on-demand pay provider shall:*

1. Develop and implement policies and procedures to respond to questions raised by users and address complaints from users in an expedient manner;

2. Before entering into an agreement with a user for the provision of on-demand pay services:

(a) Inform the user of his or her rights under the agreement; and

(b) Fully and clearly disclose all fees associated with the on-demand pay services;

3. Allow the user to cancel, at any time and without incurring a fee, his or her participation in an agreement for the provision of on-demand pay services; and

4. Comply with all local, state and federal privacy and information security laws.

Sec. 17. *1. If an employer-integrated on-demand pay provider provides on-demand pay services to a user and is unable to be repaid the amount of money delivered to the user, the provider shall not, absent intentional and willful fraud by the user:*

(a) Collect or attempt to collect that money from the user; ~~[or]~~

(b) Report any information regarding the inability of the provider to be repaid to a consumer reporting agency ~~[.]~~ ; or

(c) Debit the bank account of the user without his or her affirmative consent.

2. As used in this section, "consumer reporting agency" has the meaning ascribed to it in NRS 686A.640.

Sec. 18. *An employer-integrated on-demand pay provider shall not:*

1. Share with an employer any fees that were received from or charged to a user; or

2. Pay any other compensation to an employer that is directly related to any fees received from or charged to a user.

Sec. 19. *The Commissioner may adopt regulations for the administration and enforcement of this chapter, in addition to and not inconsistent with this chapter. Such regulations may include, without limitation, requirements relating to the retention of records by an employer-integrated on-demand pay provider.*

Sec. 20. *Nothing in this chapter shall be construed to cause any on-demand pay services provided by an employer-integrated on-demand pay provider in compliance with this chapter to be deemed a loan or to be subject to any of the provisions of law governing loans. On-demand pay services provided by an employer-integrated on-demand pay provider in compliance with this chapter are not subject to any other statutory or regulatory provisions governing loans. If there is a conflict between the provisions of this chapter and any other statute, the provisions of this chapter control.*

Sec. 21. *1. On-demand pay services provided by a third-party on-demand pay provider shall be deemed a loan for the purposes of chapters 604A and 675 of NRS. The amount of fees and any other charges charged for the provision of such on-demand pay services shall be deemed to be interest or charges on the loan for the purposes of those chapters.*

2. A person shall not engage in the business of a third-party on-demand pay provider unless the person has been issued the applicable license pursuant to chapter 604A or 675 of NRS.

Sec. 22. NRS 671.020 is hereby amended to read as follows:

671.020 1. This chapter does not apply to any:

(a) Bank, its parent or holding company or any subsidiary thereof, trust company, savings bank, savings and loan association, credit union, industrial bank or industrial loan and investment company, organized and regulated under the laws of this state or of the United States;

(b) Foreign banking corporation licensed to do banking business in this state; ~~[or]~~

(c) Telegraph company providing a public message service ~~[.]~~ ; *or*

(d) Employer-integrated on-demand pay provider who is licensed pursuant to the chapter consisting of sections 2 to 21, inclusive, of this act.

2. Subsection 1 does not reduce or alter any liability otherwise attaching to the sale, issuance, receipt for transmission or transmission of checks or money in any form.

Sec. 22.5. 1. On or before December 31, 2023, the Commissioner of Financial Institutions shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature which includes an analysis of and any recommendations concerning on-demand pay services and potential changes to regulations governing on-demand pay services that may be warranted.

2. As used in this section, "on-demand pay services" has the meaning ascribed to it in section 9 of this act.

Sec. 23. 1. This ~~[act]~~ section becomes effective ~~[on January 1, 2022.]~~ upon passage and approval.

2. Sections 1 to 22.5, 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, 2022, for all other purposes.

3. Sections 13 and 14 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has the authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 413 makes nine changes to Senate Bill No. 198. It clarifies that a license as an employer-integrated, on-demand pay provider expires annually, and that a license issued

pursuant to this bill is not transferable or assignable. It adds a new section to the bill to prescribe additional requirements and information that must be submitted to the Division of Financial Institutions of the Department of Business and Industry by an applicant for a license and to prescribe additional reasons for which the Commissioner may refuse to issue a license as an employer-integrated, on-demand pay provider. It adds a new section to the bill to require that each employer-integrated, on-demand pay licensee have in force a surety bond payable to the State of Nevada for a value of $35,000. It also adds new sections to the bill governing the ability to regulate, investigate and sanction licensees.

The amendment adds a new section to the bill concerning when an employer-integrated, on-demand pay licensee must provide the Division prior notice of certain proposed changes, which if the Division does not respond, the changes may take effect after ten days. It changes the date when an employer-integrated, on-demand pay provider must submit certain information to the Commissioner. It amends section 17 to further clarify that an employer-integrated, on-demand pay provider shall not pursue certain actions against a user absent intentional and willful fraud by the user. In addition, a provider is prohibited from debiting a user's bank account without such user's affirmative consent.

Finally, it requires the Division to submit a report to the Legislature, which includes an analysis and any recommendations regarding on-demand pay services and potential changes that may be warranted to the rules and regulations governing on-demand pay services.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 356.

SUMMARY—Makes various changes relating to property. (BDR 10-74)

AN ACT relating to property; establishing and revising various definitions relating to property; ~~[prohibiting]~~ establishing provisions relating to fees charged by landlords ~~[from charging]~~ to prospective tenants ~~[certain fees;]~~ ; prohibiting landlords from transferring, selling, assigning or reporting to certain agencies information concerning amounts owed by tenants to landlords; establishing provisions relating to circumstances under which a landlord changes its agent, broker or property management company; making various changes relating to fees, fines, deposits and costs paid by tenants; requiring rental agreements to include a grace period for the late payment of rent; requiring a tenant to be served with advance notice of increases in certain fees, fines and costs; revising provisions relating to agents of attorneys who serve certain notices relating to evictions; revising provisions relating to representation in small claims actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a landlord may require a tenant to pay security, defined as a payment, deposit, fee or charge used by the landlord to: (1) remedy a default in the payment of rent by the tenant; (2) repair damage to the premises other than normal wear; and (3) clean the dwelling unit. (NRS 118A.240, 118A.242) Additionally, if reasonable modifications are made to the dwelling unit of a person with a disability, existing law provides that the landlord may

require the person to deposit a reasonable amount of security in addition to the amount usually required by the landlord in order to cover the cost of restoring the modified unit to its original condition upon the termination of the tenancy. (NRS 118.101)

Section 26 of this bill repeals the existing definition of "security" in order to establish the independent terms of "cleaning deposit" and "security deposit," as defined in sections 3 and 5 of this bill, respectively. Sections 1, 8, ~~[13-18]~~ 13-15, 16-18 and 20-23 of this bill make various changes relating to cleaning deposits and security deposits.

~~[Existing law sets forth the manner in which a landlord may deduct money from the security or surety bond, or combination thereof, received by the landlord to secure a rental agreement. (NRS 118A.242) Section 7 of this bill provides that whenever any party to a rental agreement provides notice of the termination of the tenancy, the landlord may offer to inspect the premises so that the tenant has an opportunity to remedy any deficiency that may otherwise cause a deduction from the security deposit or surety bond, or combination thereof. Section 7 also provides that if the landlord makes such an offer and the offer is accepted by the tenant, the landlord is required to: (1) inspect the premises not earlier than 2 weeks before the termination of the tenancy; and (2) provide the tenant with an itemized list of any deficiencies.]~~

Existing law requires a landlord to return the security within 30 days after the termination of the tenancy and makes the landlord liable for certain amounts for failing to return the security within this period. (NRS 118A.242) Section 13 of this bill reduces the period for the return of the security deposit from 30 days to ~~[21]~~ 28 days. Section 13 ~~[authorizes a tenant to file a verified complaint for expedited relief for the failure of]~~ also provides that if the landlord fails to return the security deposit within the statutory period ~~[and establishes various procedures relating to the verified complaint.]~~ , the landlord: (1) is liable to the tenant in the amount of the full security deposit; and (2) waives all claims or causes of action relating to the security deposit. Additionally, section 13 ~~[sets forth a rebuttable presumption that there was no damage to the premises other than normal wear and places]~~ provides that in any action relating to an amount claimed from a security deposit for repairing damage to the premises caused by the tenant, the landlord has the burden of ~~[proof on the landlord in disputes arising from the deductions of a security deposit or surety bond for the repair of]~~ proving: (1) that the damage to the premises ~~[other than normal wear.]~~ occurred during the tenancy; and (2) the actual costs of repair.

Existing law defines "normal wear" as deterioration which occurs without negligence, carelessness or abuse of the premises, equipment or chattels by the tenant, a member of the household of the tenant or another person with the consent of the tenant to be on the premises. (NRS 118A.110) Section 9 of this bill revises the definition of "normal wear" to mean expected deterioration during the course of a tenancy which results from the normal use of the premises by such persons.

Existing law requires written rental agreements to contain certain provisions, including provisions concerning the amount of rent and the manner and time of its payment. Existing law also authorizes a landlord to charge a reasonable fee for the late payment of rent. (NRS 118A.200, 118A.210) In addition to the existing provisions required to be included in written rental agreements, section 10 of this bill requires such rental agreements to include a grace period for the late payment of rent. Section 11 of this bill prohibits a landlord from charging the fee for the late payment of rent until the expiration of the grace period set forth in the rental agreement. Section 4 of this bill defines the term "grace period" for such purposes. Section 10 also requires ~~[the amount of periodic rent]~~ certain information relating to fees, fines and costs to be: (1) disclosed in writing to the tenant before he or she enters into a written rental agreement ~~[,]~~ or otherwise begins the tenancy; and (2) printed clearly and conspicuously on the first page of the written rental agreement.

Existing law places certain prohibitions on rental agreements. (NRS 118A.220) Section 12 of this bill prohibits rental agreements from requiring tenants to pay any fee, fine or cost except those which are ~~[expressly]~~ : (1) authorized by statute ~~[,]~~ ; or (2) actual and reasonable. Sections 10, 17-19 and 23 of this bill make conforming changes relating to the limitations on fees, fines and costs.

Section 6.3 of this bill authorizes a landlord to charge a fee for the eviction of a tenant under certain circumstances. Additionally, section 6 of this bill ~~[prohibits]~~ authorizes a landlord ~~[from charging]~~ to charge a prospective tenant a single fee for the submission of a rental application ~~[,]~~ , and if multiple prospective tenants submit applications for occupancy of a single dwelling unit, the landlord is limited to charging a single fee.

Section 6.5 of this bill prohibits a landlord from transferring, selling, assigning or reporting to certain agencies any amount owed by the tenant unless the landlord first obtains a judgment for any such amount against the tenant. Section 6.5 requires the action to be brought: (1) within 8 months after the amount accrues; and (2) as a small claims action, if certain jurisdictional limits apply to the amount owed by the tenant.

Section 6.7 of this bill provides that if a landlord changes its agent, broker or property management company, the landlord or the new agent, broker or company is required to send certain information to the tenant within 7 business days of the change.

Existing law prohibits a landlord from increasing the rent of a tenant unless the tenant is served with advance notice of the increase. (NRS 118A.300) Section 15.5 of this bill similarly prohibits a landlord from increasing certain fees, fines and costs charged to the tenant unless the tenant is served with advance notice of the increase.

Existing law requires a tenant to be served with certain notices relating to evictions. Existing law also provides that certain notices may be served by an agent of an attorney who is licensed in this State if: (1) the attorney has been retained by the landlord in certain actions; and (2) the agent is acting at the

direction and under the direct supervision of the attorney. (NRS 40.280) In addition to the existing requirements concerning such agents, section 24 of this bill ~~[provides that]~~ prohibits the agent ~~[cannot be the]~~ from being employed as a property manager ~~[of the premises seeking to evict the tenant.]~~ in this State.

Existing law authorizes a nongovernmental legal or commercial entity to be represented by its director, officer or employee in an action in small claims court. (NRS 73.012) Similarly, section 24.5 of this bill authorizes a landlord to be represented by its agent in a small claims action.

Finally, section 25 of this bill provides that a rental agreement entered into before the effective date of this bill is binding upon the parties and may be enforced on or after that date, regardless of whether the provisions of the rental agreement conflict with the amendatory provisions of this bill.

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

Section 1. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to:

(a) Authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

(1) The person with the disability pays for the modifications; and

(2) The modifications are necessary to ensure that the person with the disability may use and enjoy the dwelling; or

(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the dwelling to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of *a* security *deposit* the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a ~~[reasonable amount of]~~ security *deposit* in addition to the ~~[amount]~~ *security deposit* the landlord usually requires if the additional ~~[amount:]~~ *security deposit:*

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. As used in this section, ~~["security"]~~ *"security deposit"* has the meaning ascribed to it in ~~[NRS 118A.240.]~~ *section 5 of this act.*

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to ~~[7,]~~ 6.7, inclusive, of this act.

Sec. 3. *"Cleaning deposit" means a one-time, nonrefundable payment to a landlord for the purpose of cleaning the dwelling unit ~~[.]~~ , including, without limitation, any cost associated with cleaning the carpet of the dwelling unit.*

Sec. 4. *"Grace period" means a period of time, not less than 3 days, during which rent can be paid late by the tenant.*

Sec. 5. *"Security deposit" means a deposit paid in cash, by check or by any other acceptable manner to a landlord for any of the following purposes:*

1. Remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent.

2. Repairing damage to the premises caused by the tenant other than normal wear . ~~[caused by the tenant.]~~

3. If the premises is financed in whole or in part from assistance provided by a governmental agency, necessary cleaning upon the termination of the tenancy, unless the landlord charges the tenant a cleaning deposit.

Sec. 6. *1. A landlord ~~[shall not]~~ may charge a single fee for the submission of a rental application ~~[.]~~ by a prospective tenant. If the rental application is submitted by multiple prospective tenants who intend to occupy one dwelling unit, the landlord may charge only a single fee for the submission of the rental applications.*

2. The fee described in subsection 1 must not exceed the direct and actual costs of the landlord in processing the applications, excluding personnel and administrative costs.

Sec. 6.3. 1. Except as otherwise provided in subsection 2, a landlord may charge a tenant a fee for the eviction of the tenant. The amount of the fee must not exceed the cost for reimbursing the costs associated with the action for eviction.

2. A landlord may not charge the fee described in subsection 1 if the landlord is the prevailing party in the action for eviction.

Sec. 6.5. 1. A landlord may not transfer, sell, assign or report to a collection agency or credit reporting agency any amount owed by the tenant to the landlord unless the landlord obtains a judgment against the tenant for any such amount.

2. Any action for a judgment described in this section must be commenced not later than 8 months after the termination of the tenancy by either party.

3. If the amount owed by the tenant does not exceed the jurisdictional limit set forth in chapter 73 of NRS, the landlord must bring a small claims action.

Sec. 6.7. Within 7 business days after the landlord changes its agent, broker or property management company, the landlord or the new agent, broker or company shall provide written notification to the tenant which must contain:

1. The name, address and telephone number of the new agent, broker or company; and

2. A statement that the security deposit of the tenant was transferred in its entirety without deductions to the new entity and that no additional security deposit is required to be paid by the tenant.

Sec. 7. ~~*[1. After either party to a rental agreement gives notice of an intent to terminate the tenancy, the landlord may offer to conduct an initial inspection of the premises to allow the tenant an opportunity to remedy any deficiency that would otherwise cause a deduction from the security deposit or surety bond, or combination thereof, as applicable. If such an offer is made by the landlord and accepted by the tenant, the landlord must, not earlier than 2 weeks before the date of the termination of the tenancy, conduct or provide for the initial inspection of the premises at a date and time that is mutually agreed upon by the landlord and the tenant.*~~

~~*2. Upon completion of an initial inspection pursuant to subsection 1, the landlord shall provide the tenant with an itemized statement of each deficiency identified during the initial inspection and the action necessary to avoid incurring a deduction from the security deposit or surety bond, or combination thereof, as applicable.*~~

~~*3. Except as otherwise provided in this subsection, upon receipt of an itemized statement pursuant to subsection 2, the tenant may take any action necessary to remedy a deficiency identified in the statement in a manner consistent with the rights and obligations of the parties under the rental agreement. The tenant shall not take any action to remedy a deficiency relating to a mechanical, electrical or plumbing system the repair of which requires professional licensure to perform.*~~

~~*4. As used in this section, "deficiency" means any damage to the premises caused by the tenant other than normal wear.]*~~ (Deleted by amendment.)

Sec. 8. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, *and sections 3, 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 118A.110 is hereby amended to read as follows:

118A.110 *1.* "Normal wear" means ~~[that]~~ *the expected* deterioration which occurs ~~[without negligence, carelessness or abuse]~~ *during the course of a tenancy from the normal use* of the premises ~~[, equipment or chattels]~~ by the tenant, a *household* member of the ~~[tenant's household]~~ *tenant* or other person on the premises with the ~~[tenant's]~~ consent ~~[.]~~ *of the tenant.*

2. The term does not include damage to the premises which results from the neglect or abuse of the premises by the tenant, a household member of the tenant or other person on the premises with the consent of the tenant.

Sec. 10. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed

and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment ~~[.]~~ *, including, without limitation:*

(1) The duration of the grace period.

(2) The fee for the late payment of rent.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) ~~[Fees,]~~ *Subject to the limitations set forth in NRS 118A.220, fees, fines and costs* which are ~~[required]~~ *to be paid by the tenant* and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund ~~[.]~~ *, as applicable.*

(g) ~~[Charges which may be required for late or partial payment of rent or for return of any dishonored check.~~

~~(h)]~~ Inspection rights of the landlord.

~~[(i)]~~ *(h)* A listing of persons or numbers of persons who are to occupy the dwelling.

~~[(j)]~~ *(i)* Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

~~[(k)]~~ *(j)* A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

~~[(l)]~~ *(k)* A summary of the provisions of NRS 202.470.

~~[(m)]~~ *(l)* Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

~~[(n)]~~ *(m)* Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. *The amount of any fee, fine or cost* , ~~*[required to be included in the rental agreement pursuant to paragraph (c) of subsection 3 and]*~~ *the purpose for which they are required* and their total *must be:*

(a) Disclosed in writing to the tenant before he or she enters into ~~*[the]*~~ *a written rental agreement* ~~*[.]*~~ *or otherwise commences the tenancy; and*

(b) Clearly and conspicuously printed on the first page of the written rental agreement.

6. The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) ~~[No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.]~~ *There is no fee for the late payment of rent.*

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

~~[6.]~~ *7.* It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

~~[7.]~~ *8.* As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 11. NRS 118A.210 is hereby amended to read as follows:

118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.

2. Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.

3. In the absence of an agreement, either written or oral:

(a) Rent is payable at the beginning of the tenancy; and

(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.

4. A landlord may charge a reasonable late fee for the late payment of rent as set forth in the rental agreement, but:

(a) Such a late fee must not ~~[exceed]~~ *:*

(1) Exceed 5 percent of the amount of the periodic rent; and

(2) Be charged until the expiration of the grace period set forth in the rental agreement; and

(b) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.

Sec. 12. NRS 118A.220 is hereby amended to read as follows:

118A.220 1. A rental agreement shall not provide that the tenant:

(a) Agrees to waive or forego rights or remedies afforded by this chapter;

(b) Authorizes any person to confess judgment on any claim arising out of the rental agreement;

(c) Agrees to pay ~~[the]~~ *:*

(1) The landlord's attorney's fees, except that the agreement may provide that reasonable attorney's fees may be awarded to the prevailing party in the event of court action; ~~*[and]*~~

(2) Any fee, fine or cost, except those which are ~~[expressly]~~ :

(I) Expressly authorized by statute ~~[to be charged to the tenant by the landlord;]~~ ; or

(II) Actual and reasonable.

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith if the liability is based upon an act or omission of the landlord or any agent or employee of the landlord; or

(e) Agrees to give the landlord a different notice of termination than that required to be given by the landlord to the tenant.

2. Any provision prohibited by subsection 1 is void as contrary to public policy and the tenant may recover any actual damages incurred through the inclusion of the prohibited provision.

Sec. 13. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may not demand or receive *:*

(a) A security *deposit* ~~[or a surety bond, or a combination thereof,]~~ including the last month's rent, whose total amount or value exceeds 3 months' periodic rent.

(b) A cleaning deposit whose total amount exceeds 15 percent of the periodic rent.

2. ~~[In lieu of paying all or part of the security *deposit* required by the landlord, a tenant may, if the landlord consents, purchase a surety bond to secure the tenant's obligation to the landlord under the rental agreement to:~~

~~(a) Remedy any default of the tenant in the payment of rent.~~ *, including the cost of the fee for the late payment of rent.*

~~(b) Repair damages to the premises other than normal wear.~~ and tear.

~~(c) Clean the dwelling unit.~~

~~3. The landlord:~~

~~(a) Is not required to accept a surety bond purchased by the tenant in lieu of paying all or part of the security~~ *; deposit;* and

~~(b) May not require a tenant to purchase a~~ security ~~*surety* bond in lieu of paying all or part of the security *deposit.*~~

~~4.~~ Upon termination of the tenancy by either party for any reason, the landlord ~~[claim]~~ *:*

(a) Claim of the security *deposit* ~~[or surety bond, or a combination thereof,]~~ only such amounts as are reasonably necessary to ~~[remedy]~~ *:*

(1) Remedy any default of the tenant in the payment of rent, *including the cost of the fee for the late payment of rent* ~~*[, and to repair]*~~ *;*

(2) Repair damages to the premises caused by the tenant other than normal wear ~~*[.* and to pay the reasonable costs of cleaning the premises.]~~ *; and*

(3) Clean the premises, if:

(I) The premises are financed in whole or in part from assistance provided by a governmental agency; and

(II) The landlord did not charge the tenant a cleaning deposit; and

(b) Claim the entirety of the cleaning deposit.

3. The landlord shall ~~[provide]~~ *deliver to* the tenant ~~[with]~~ an itemized written accounting of the disposition of the security *deposit* ~~[or surety bond, or a combination thereof, *as applicable,*]~~ and return any remaining portion of the security *deposit* to the tenant no later than ~~[30 *21]*~~ *28* days after the termination of the tenancy by handing it to the tenant personally at the place where the rent is paid, or by mailing it to the tenant at the tenant's present address or, if that address is unknown, at the tenant's last known address.

~~[5. If a tenant disputes an item contained in an itemized written accounting received from a landlord pursuant to subsection 4, the tenant may send a written response disputing the item to the surety. If the tenant sends the written response within 30 days after receiving the itemized , written accounting, the surety shall not report the claim of the landlord to a credit reporting agency unless the surety obtains a judgment against the tenant.~~

~~6.~~ *The delivery of the itemized written accounting must be effectuated by the landlord by:*

(a) Personally handing the itemized written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

4. If the landlord fails or refuses to *deliver the itemized written accounting or* return the remainder of a security deposit within ~~[30 *21]*~~ *28* days after the end of a tenancy, the landlord ~~[is]~~ *:*

(a) Is liable to the tenant for damages ~~[:~~

~~(a) In]~~ *in* an amount equal to the entire *security* deposit; and

~~[(b) For a sum to be fixed by the court of not more than the amount of the entire *security* deposit.~~

~~*7. A tenant may file a verified complaint for expedited relief for the failure or refusal of the landlord to return the remainder of a security deposit within*~~

~~*21 days after the termination of the tenancy. The verified complaint for expedited relief:*~~

~~*— (a) Must be filed with the court within 21 judicial days after the date that the landlord becomes liable to the tenant pursuant to subsection 6; and*~~

~~*— (b) Does not preclude the tenant from filing any claim arising under the rental agreement.*~~

~~*— 8. The court shall conduct a hearing on the verified complaint for expedited relief filed pursuant to subsection 7 not later than 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord is liable for failing or refusing to return the remainder of the security deposit within 21 days after the termination of the tenancy, the court may award any damages described in paragraphs (a) and (b) of subsection 6.*~~

~~— 9. In determining the sum, if any, to be awarded under paragraph (b) of subsection 6, the court shall consider:~~

~~— (a) Whether the landlord acted in good faith;~~

~~— (b) The course of conduct between the landlord and the tenant; and~~

~~— (c) The degree of harm to the tenant caused by the landlord's conduct.~~

~~— 8.~~ Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no

~~*— 10.]*~~ *(b) Waives all claims or causes of action against the tenant relating to the security deposit.*

5. In any action relating to an amount claimed from a security deposit ~~*[or surety bond, or combination thereof,]*~~ *by a landlord for repairing damage to the premises caused by the tenant other than normal wear* ~~*[:*~~

~~*— (a) There is a rebuttable presumption that there was no damage to the premises; and*~~

~~*— (b) The]*~~ *, the landlord has the burden of proving* ~~*[by clear and convincing evidence that]*~~ *:*

(a) That the damage to the premises occurred during the tenancy of the tenant ~~*[.*~~

~~*— 11.]*~~ *; and*

(b) The actual costs of repair.

6. A rental agreement ~~[may]~~ *must not* contain any provision characterizing any security *deposit* under this section as nonrefundable or any provision waiving or modifying a tenant's rights under this section. Any such provision is void as contrary to public policy.

~~[9.~~ ~~*12.]*~~ *7.* The claim of a tenant to *a* security *deposit* to which the tenant is entitled under this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 14. NRS 118A.244 is hereby amended to read as follows:

118A.244 1. Upon termination of the landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise,

the landlord or his or her agent shall, within a reasonable time, do one of the following, which relieves the landlord of further liability with respect to the security *deposit* *:* ~~[or surety bond, or a combination thereof:]~~

(a) Notify the tenant in writing of the name, address and telephone number of the landlord's successor in interest, and that the landlord has transferred to his or her successor in interest the portion of the security *deposit* ~~[or surety bond, or combination thereof,]~~ remaining after making any deductions allowed under NRS 118A.242.

(b) Return to the tenant the portion of the security *deposit* remaining after making any deductions allowed under NRS 118A.242.

➥ The successor has the rights, obligations and liabilities of the former landlord as to any ~~[securities which are]~~ *portion of the security deposit* owed under this section or NRS 118A.242 at the time of transfer.

2. The landlord shall, before he or she records a deed transferring any dwelling unit:

(a) Transfer to his or her successor, in writing, the portion of any tenant's security deposit or other money held by the landlord which remains after making any deductions allowed under NRS 118A.242; or

(b) Notify his or her successor in writing that the landlord has returned all such *security* deposits or portions thereof to the tenant.

3. Upon the termination of a landlord's interest in the dwelling unit, whether by sale, assignment, death, appointment of receiver or otherwise, the successor in interest:

(a) Shall accept the tenant's security *deposit* *;* ~~[or surety bond, or a combination thereof;]~~ and

(b) Shall not require any additional security *deposit* ~~[or surety bond, or a combination thereof,]~~ from the tenant during the term of the rental agreement.

Sec. 15. NRS 118A.250 is hereby amended to read as follows:

118A.250 The landlord shall deliver to the tenant upon the tenant's request a signed written receipt for the security *deposit* ~~[or surety bond, or a combination thereof,]~~ and any other payments, deposits or fees, including rent, paid by the tenant and received by the landlord. The tenant may refuse to make rent payments until the landlord tenders the requested receipt.

Sec. 15.5. NRS 118A.300 is hereby amended to read as follows:

118A.300 The landlord may not increase ~~[the]~~ *:*

1. The rent payable by a tenant unless ~~[it]~~ *the landlord* serves the tenant with a written notice, *at least* 45 days or, in the case of any periodic tenancy of less than 1 month, *at least* 15 days in advance of the first rental payment to be increased, advising the tenant of the increase.

2. Any fee, fine or cost required to be paid by the tenant unless the landlord serves the tenant with a written notice:

(a) At least 45 days in advance of the first payment to be increased, if the tenancy is from month to month; or

(b) At least 15 days in advance of the first payment to be increased, if the tenancy is from week to week.

Sec. 16. NRS 118A.350 is hereby amended to read as follows:

118A.350 1. Except as otherwise provided in this chapter, if the landlord fails to comply with the rental agreement, the tenant shall deliver a written notice to the landlord specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate as provided in this section. If the breach is remediable and the landlord adequately remedies the breach or uses his or her best efforts to remedy the breach within 14 days after receipt of the notice, the rental agreement does not terminate by reason of the breach. If the landlord fails to remedy the breach or make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

2. The tenant may not terminate the rental agreement for a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and *any* security *deposit* recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice, recover damages under paragraph (b) of subsection 1 if the landlord:

(a) Admits to the court that the landlord had knowledge of the condition constituting the breach; or

(b) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

Sec. 17. NRS 118A.355 is hereby amended to read as follows:

118A.355 1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his or her best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee *, fine or cost* authorized by ~~[this chapter or]~~ the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent; or

(b) If the landlord's inability to adequately remedy the failure or use his or her best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and *any* security *deposit* recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph (d) of subsection 1 into an escrow account maintained or approved by the court. A tenant does not have a defense to an eviction under paragraph (d) of subsection 1 unless the tenant has deposited the withheld rent into an escrow account pursuant to this subsection.

Sec. 18. NRS 118A.370 is hereby amended to read as follows:

118A.370 If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in this chapter, rent abates until possession is delivered as required, and the tenant may:

1. Terminate the rental agreement upon at least 5 days' written notice to the landlord and upon termination the landlord shall return all prepaid rent, *any* security *deposit* recoverable under this chapter ~~[,]~~ and any ~~[payment,]~~ *other fee, cost or* deposit ~~[, fee or charge to secure the execution of]~~ *required under* the rental agreement ~~[; or]~~ *to be paid by the tenant before his or her possession of the premises.*

2. Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the actual damages sustained. If the landlord has exercised due diligence to evict the holdover tenant or remedy the condition keeping the new tenant from taking possession, the landlord is not liable for damages . ~~[; or]~~

3. Pursue any other remedies to which the tenant is entitled, including the right to recover any actual damages suffered.

Sec. 19. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, a functioning door lock or another essential item or service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his or her best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential items or services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee *, fine or cost* authorized by ~~[this chapter or]~~ the rental agreement, until the landlord has attempted in good faith to restore the essential items or services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the lack of such essential items or services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent, the tenant has no rights under this section.

Sec. 20. NRS 118A.390 is hereby amended to read as follows:

118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises, willfully interrupts or causes or permits the interruption of any essential item or service required by the rental agreement or this chapter or otherwise recovers possession of the dwelling unit in violation of NRS 118A.480, the tenant may recover immediate possession pursuant to subsection 4, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover the tenant's actual damages, receive an amount not greater than $2,500 to be fixed by the court, or both.

2. In determining the amount, if any, to be awarded under subsection 1, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

3. If the rental agreement is terminated pursuant to subsection 1, the landlord shall return all prepaid rent and *any* security *deposit* recoverable under this chapter.

4. Except as otherwise provided in subsection 5, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief for the unlawful removal or exclusion of the tenant from the premises, the willful interruption of any essential item or service or the recovery of possession of the dwelling unit in violation of NRS 118A.480.

5. A verified complaint for expedited relief:

(a) Must be filed with the court within 5 judicial days after the date of the unlawful act by the landlord, and the verified complaint must be dismissed if it is not timely filed. If the verified complaint for expedited relief is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord.

(b) May be consolidated with any action for summary eviction or unlawful detainer that is already pending between the landlord and tenant.

6. The court shall conduct a hearing on the verified complaint for expedited relief not later than 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord has violated any of the provisions of subsection 1, the court may:

(a) Order the landlord to restore to the tenant the premises or essential items or services, or both;

(b) Award damages pursuant to subsection 1; and

(c) Enjoin the landlord from violating the provisions of subsection 1 and, if the circumstances so warrant, hold the landlord in contempt of court.

7. The payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief. After any hearing and not later than final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce them or waive them, as justice may require.

Sec. 21. NRS 118A.400 is hereby amended to read as follows:

118A.400 1. If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent that enjoyment of the dwelling unit is substantially impaired, the landlord may terminate the rental agreement and the tenant may, in addition to any other remedy:

(a) Immediately vacate the premises and notify the landlord within 7 days thereafter of the tenant's intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating.

(b) If continued occupancy is lawful, vacate any part of the dwelling unit rendered unusable by the fire or casualty, in which case the tenant's liability for rent is reduced in proportion to the diminution in the fair rental value of the dwelling unit or lack of use of the dwelling unit.

2. If the rental agreement is terminated, the landlord shall return all prepaid rent and *any* security *deposit* recoverable under this chapter. Accounting for rent in the event of termination or such continued occupancy shall be made as of the date the premises were vacated.

3. This section does not apply if it is determined that the fire or casualty were caused by deliberate or negligent acts of the tenant, a member of his or her household or other person on the premises with his or her consent.

Sec. 22. NRS 118A.440 is hereby amended to read as follows:

118A.440 If the tenant's failure to perform basic obligations under this chapter can be remedied by repair ~~[,]~~ *or* replacement of a damaged item , ~~[or cleaning,]~~ and the tenant fails to use his or her best efforts to comply within 14 days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time or more promptly if conditions require in case of emergency, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and submit the itemized bill for the actual and reasonable cost, or the fair and reasonable value

of the work. The itemized bill shall be paid as rent on the next date periodic rent is due, or if the rental agreement has terminated, may be submitted to the tenant for immediate payment or deducted from the security ~~[.]~~ *deposit.*

Sec. 23. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the

premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to

NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon

the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable ~~[charge]~~ *fee* for late ~~[payments]~~ *payment* of rent ~~[or dishonored checks,]~~ or a security ~~[.]~~ *deposit.* As used in this subsection, ~~["security"]~~ *"security deposit"* has the meaning ascribed to it in ~~[NRS 118A.240.]~~ *section 5 of this act.*

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 24. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 and 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a

conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraph (b):

(1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(3) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; ~~[and]~~

(b) The agent is acting at the direction and under the direct supervision of the attorney ~~[.]~~ *; and*

(c) The agent is not employed as the property manager of ~~[the]~~ any premises ~~[from which the landlord seeks to evict the tenant.]~~ in this State.

Sec. 24.5. NRS 73.012 is hereby amended to read as follows:

73.012 *1.* A corporation, partnership, business trust, estate, trust, association or any other nongovernmental legal or commercial entity may be represented by its director, officer or employee in an action mentioned or covered by this chapter.

2. A landlord may be represented by its agent in an action mentioned or covered by this chapter.

Sec. 25. Any rental agreement between a landlord and tenant entered into before the effective date of this act is binding upon the parties to the agreement and may be enforced on or after the effective date of this act, regardless of whether any provision of the rental agreement conflicts with the amendatory provisions of this act.

Sec. 26. NRS 118A.240 is hereby repealed.

Sec. 27. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

118A.240 "Security" defined.

1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is "security" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remedying any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

(c) Cleaning the dwelling unit.

2. "Security" does not include:

(a) Any payment, deposit or fee to secure an option to purchase the premises; or

(b) Any payment to a corporation qualified under the laws of this State as a surety, guarantor or obligator for a premium paid to secure a surety bond or a similar bond, guarantee or insurance coverage for purposes of securing a tenant's obligations to a landlord as described in NRS 118A.242.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 356 to Senate Bill No. 218 makes several changes. Section 6 provides that a landlord may not charge a fee for a rental application except for one prospective tenant or group of cotenants for one available unit at a time. Such a fee must not exceed the landlord's actual costs excluding personnel time and administrative costs. Section 7 removes the procedure by which a tenant can request an inspection of the premises prior to the termination of a tenancy. Section 10 provides that a summary of fees, fines and costs must be printed on the first page of any lease and disclosed prior to the signing of the rental agreement or the tenancy commencing. Such fees cannot be increased without a written 45-day notice for monthly tenancy or a 15-day written notice for weekly tenancy. Section 12 provides that a rental agreement may not require payment of any fee, fine or cost unless authorized by statute or actual and reasonable, and eviction fees may only reimburse actual costs. Section 13 provides that a security deposit may be applied for cleaning if the unit is financed by a governmental agency and no cleaning deposit was charged, that a landlord may claim the cleaning deposit but no other amounts for cleaning. A landlord must provide an itemized accounting of a security deposit and return the remainder no later than 28 days after termination. Failure to do so results in liability for the entire deposit and waiver of claim to the deposit. It also removes the procedure by which a tenant can file a verified complaint for expedited relief for a security deposit, removes the "clear and convincing" standard of proof in actions relating to deposits and the requirement of three written estimates, and it extends from six months to eight months the time in which a landlord may commence an action against a tenant for damages. Section 14 provides that a change in property management necessitates notice to tenants within seven business days and that deposits have been transferred and no new deposits are required. Section 24 provides that an agent of an attorney may not be a property manager of any property in the State. New section 28 provides that a landlord may be represented by an agent in an action mentioned or covered by the provision of NRS chapter 73 regarding "small claims."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 260.

Bill read second time.

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

Amendment No. 414.

SUMMARY—Revises provisions relating to Internet privacy. (BDR 52-253)

AN ACT relating to Internet privacy; <u>exempting certain persons and information collected about a consumer in this State from requirements imposed on operators, data brokers and covered information;</u> prohibiting a data broker from making any sale of certain information collected about a consumer in this State if so directed by the consumer; revising provisions relating to the sale of certain information collected about a consumer in this State; revising the circumstances under which operators of certain Internet websites or online services are authorized to remedy a failure to comply with certain requirements relating to the collection and sale of certain information about consumers in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an operator of an Internet website which collects certain items of personally identifiable information about consumers in this State to establish a designated address through which a consumer may submit

a verified request directing the operator not to make any sale of covered information collected about the consumer. An operator that receives such a request is prohibited from making any sale of any covered information collected about the consumer. (NRS 603A.345) Section 3 of this bill imposes similar requirements upon a data broker, which is generally defined in section 2 of this bill to mean a person primarily engaged in the business of purchasing covered information about consumers in this State from operators and other data brokers and making sales of ~~[or disseminating]~~ such information. Section 1.5 of this bill exempts certain persons and information from the requirements imposed on operators, data brokers and covered information. Sections 4 and 5 of this bill make conforming changes to properly place the new language of sections 1.5, 2 and 3 in the Nevada Revised Statutes. Sections 6 and 7 of this bill revise certain definitions to reflect the requirements imposed on data brokers by section 3.

Existing law authorizes the Attorney General to seek an injunction or a civil penalty against an operator who violates the provisions of existing law requiring the establishment of a designated request address and prohibiting the sale of covered information about a consumer who has made a verified request. (NRS 603A.360) Section 12 of this bill similarly authorizes the Attorney General to seek an injunction or a civil penalty against a data broker who violates the provisions of section 3.

Existing law defines "operator" to mean, in general, a person who: (1) owns or operates an Internet website or online service for commercial purposes; (2) collects certain information from consumers who reside in this State and use or visit the Internet website or online service; and (3) has certain minimum contacts with this State. (NRS 603A.330) Section 7.5 of this bill explicitly excludes from the definition of "operator" a person who does not collect, maintain or sell covered information.

Existing law defines "sale" for the purposes of the provisions of existing law governing the sale of covered information by operators as the exchange of covered information for monetary consideration by the operator to a person for the person to license or sell the covered information to additional persons. (NRS 603A.333) Section 8 of this bill revises that definition to define "sale" as the exchange of covered information for monetary consideration by an operator or data broker to another person.

Existing law requires an operator to make available to consumers a notice containing certain information relating to the collection and sale of covered information collected through its Internet website or online service. An operator who fails to comply with that requirement is authorized to remedy the failure to comply within 30 days after being informed of such a failure. (NRS 603A.340) Sections 10 and 11 of this bill ~~[: (1)]~~ authorize an operator to remedy such a failure only if it is the first failure of the operator to comply with the requirement . ~~[; and (2) reduce the amount of time in which an operator is authorized to remedy such a failure to 10 days.]~~

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

Section 1. Chapter 603A of NRS is hereby amended by adding thereto the provisions set forth as sections *1.5,* 2 and 3 of this act.

Sec. 1.5. The provisions of this section and NRS 603A.300 to 603A.360, inclusive, and sections 2 and 3 of this act do not apply to:

1. A consumer reporting agency, as defined in NRS 686A.640, or any personally identifiable information collected, maintained or sold by such any agency;

2. A person who collects, maintains or makes sales of personally identifiable information for the purposes of fraud prevention;

3. Any personally identifiable information that is publicly available; or

4. Any personally identifiable information protected from disclosure under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. §§ 2721 et seq., which is collected, maintained or sold in compliance with that Act.

Sec. 2. *"Data broker" means a person primarily engaged in the business of purchasing covered information about consumers who reside in this State from operators or other data brokers and making sales of ~~[or disseminating]~~ such covered information.*

Sec. 3. *1. Each data broker shall establish a designated request address through which a consumer may submit a verified request pursuant to this section.*

2. A consumer may, at any time, submit a verified request through a designated request address to a data broker directing the data broker not to make any sale of any covered information about the consumer that the data broker has purchased or will purchase.

3. A data broker that has received a verified request submitted by a consumer pursuant to subsection 2 shall not make any sale of any covered information about that consumer that the data broker has purchased or will purchase.

4. A data broker shall respond to a verified request submitted by a consumer pursuant to subsection 2 within 60 days after receipt thereof. A data broker may extend by not more than 30 days the period prescribed by this subsection if the data broker determines that such an extension is reasonably necessary. A data broker who extends the period prescribed by this subsection shall notify the consumer of such an extension.

Sec. 4. NRS 603A.100 is hereby amended to read as follows:

603A.100 1. The provisions of NRS 603A.010 to 603A.290, inclusive, do not apply to the maintenance or transmittal of information in accordance with NRS 439.581 to 439.595, inclusive, and the regulations adopted pursuant thereto.

2. A data collector who is also an operator, as defined in NRS 603A.330, shall comply with the provisions of NRS 603A.300 to 603A.360, inclusive ~~[.]~~ *, and sections 1.5, 2 and 3 of this act.*

3. Any waiver of the provisions of NRS 603A.010 to 603A.290, inclusive, is contrary to public policy, void and unenforceable.

Sec. 5. NRS 603A.300 is hereby amended to read as follows:

603A.300 As used in NRS 603A.300 to 603A.360, inclusive, *and sections 1.5, 2 and 3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 603A.310 to 603A.337, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 603A.320 is hereby amended to read as follows:

603A.320 "Covered information" means any one or more of the following items of personally identifiable information about a consumer collected by an operator through an Internet website or online service and maintained by the operator *or a data broker* in an accessible form:

1. A first and last name.

2. A home or other physical address which includes the name of a street and the name of a city or town.

3. An electronic mail address.

4. A telephone number.

5. A social security number.

6. An identifier that allows a specific person to be contacted either physically or online.

7. Any other information concerning a person collected from the person through the Internet website or online service of the operator and maintained by the operator *or data broker* in combination with an identifier in a form that makes the information personally identifiable.

Sec. 7. NRS 603A.325 is hereby amended to read as follows:

603A.325 "Designated request address" means an electronic mail address, toll-free telephone number or Internet website established by an operator *or data broker* through which a consumer may submit to an operator *or data broker* a verified request.

Sec. 7.5. NRS 603A.330 is hereby amended to read as follows:

603A.330 1. "Operator" means a person who:

(a) Owns or operates an Internet website or online service for commercial purposes;

(b) Collects and maintains covered information from consumers who reside in this State and use or visit the Internet website or online service; and

(c) Purposefully directs its activities toward this State, consummates some transaction with this State or a resident thereof, purposefully avails itself of the privilege of conducting activities in this State or otherwise engages in any activity that constitutes sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. The term does not include:

(a) A third party that operates, hosts or manages an Internet website or online service on behalf of its owner or processes information on behalf of the owner of an Internet website or online service;

(b) A financial institution or an affiliate of a financial institution that is subject to the provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., and the regulations adopted pursuant thereto;

(c) An entity that is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and the regulations adopted pursuant thereto; ~~[or]~~

(d) A manufacturer of a motor vehicle or a person who repairs or services a motor vehicle who collects, generates, records or stores covered information that is:

(1) Retrieved from a motor vehicle in connection with a technology or service related to the motor vehicle; or

(2) Provided by a consumer in connection with a subscription or registration for a technology or service related to the motor vehicle ~~[.]~~ *; or*

(e) A person who does not collect, maintain or make sales of covered information.

Sec. 8. NRS 603A.333 is hereby amended to read as follows:

603A.333 1. "Sale" means the exchange of covered information for monetary consideration by ~~[the]~~ *an* operator *or data broker* to ~~[a]~~ *another* person . ~~[for the person to license or sell the covered information to additional persons.]~~

2. The term does not include:

(a) The disclosure of covered information by an operator *or data broker* to a person who processes the covered information on behalf of the operator ~~[,]~~ *or data broker;*

(b) The disclosure of covered information by an operator to a person with whom the consumer has a direct relationship for the purposes of providing a product or service requested by the consumer;

(c) The disclosure of covered information by an operator to a person for purposes which are consistent with the reasonable expectations of a consumer considering the context in which the consumer provided the covered information to the operator;

(d) The disclosure of covered information *by an operator or data broker* to a person who is an affiliate, as defined in NRS 686A.620, of the operator ~~[,]~~ *or data broker;* or

(e) The disclosure or transfer of covered information *by an operator or data broker* to a person as an asset that is part of a merger, acquisition, bankruptcy or other transaction in which the person assumes control of all or part of the assets of the operator ~~[.]~~ *or data broker*.

Sec. 9. NRS 603A.337 is hereby amended to read as follows:

603A.337 "Verified request" means a request:

1. Submitted by a consumer to an operator *or data broker* for the purposes set forth in NRS 603A.345 ~~[,]~~ *or section 3 of this act, as applicable;* and

2. For which an operator *or data broker* can reasonably verify the authenticity of the request and the identity of the consumer using commercially reasonable means.

Sec. 10. NRS 603A.340 is hereby amended to read as follows:

603A.340 1. Except as otherwise provided in subsection 3, an operator shall make available, in a manner reasonably calculated to be accessible by consumers whose covered information the operator collects through its Internet website or online service, a notice that:

(a) Identifies the categories of covered information that the operator collects through its Internet website or online service about consumers who use or visit the Internet website or online service and the categories of third parties with whom the operator may share such covered information;

(b) Provides a description of the process, if any such process exists, for an individual consumer who uses or visits the Internet website or online service to review and request changes to any of his or her covered information that is collected through the Internet website or online service;

(c) Describes the process by which the operator notifies consumers who use or visit the Internet website or online service of material changes to the notice required to be made available by this subsection;

(d) Discloses whether a third party may collect covered information about an individual consumer's online activities over time and across different Internet websites or online services when the consumer uses the Internet website or online service of the operator; and

(e) States the effective date of the notice.

2. An operator *who has not previously failed to comply with the provisions of subsection 1* may remedy any failure to comply with the provisions of subsection 1 within 30 ~~*[10]*~~ days after being informed of such a failure.

3. The provisions of subsection 1 do not apply to an operator:

(a) Who is located in this State;

(b) Whose revenue is derived primarily from a source other than the sale or lease of goods, services or credit on Internet websites or online services; and

(c) Whose Internet website or online service has fewer than 20,000 unique visitors per year.

Sec. 11. NRS 603A.350 is hereby amended to read as follows:

603A.350 An operator violates NRS 603A.340 if the operator:

1. ~~[Knowingly]~~ *Has not previously failed to comply with the provisions of subsection 1 of that section and knowingly* ~~[and willfully]~~ fails to remedy a failure to comply with ~~[the]~~ *such* provisions ~~[of subsection 1 of that section]~~ within 30 ~~*[10]*~~ days after being informed of such a failure; ~~[or]~~

2. *Knowingly ~~[and willfully]~~ fails to comply with the provisions of subsection 1 of that section after having previously failed to comply with such provisions; or*

3. Makes available a notice pursuant to that section which contains information which constitutes a knowing and material misrepresentation or omission that is likely to mislead a consumer acting reasonably under the circumstances, to the detriment of the consumer.

Sec. 12. NRS 603A.360 is hereby amended to read as follows:

603A.360 1. The Attorney General shall enforce the provisions of NRS 603A.300 to 603A.360, inclusive ~~[.]~~ *, and sections 1.5, 2 and 3 of this act.*

2. If the Attorney General has reason to believe that an operator, either directly or indirectly, has violated or is violating NRS 603A.340 or 603A.345, the Attorney General may institute an appropriate legal proceeding against the operator. The district court, upon a showing that the operator, either directly or indirectly, has violated or is violating NRS 603A.340 or 603A.345, may:

(a) Issue a temporary or permanent injunction; or

(b) Impose a civil penalty not to exceed $5,000 for each violation.

3. *If the Attorney General has reason to believe that a data broker, either directly or indirectly, has violated or is violating section 3 of this act, the Attorney General may institute an appropriate legal proceeding against the data broker. The district court, upon a showing that the data broker, either directly or indirectly, has violated or is violating section 3 of this act, may:*

(a) Issue a temporary or permanent injunction; or

(b) Impose a civil penalty not to exceed $5,000 for each violation.

4. The provisions of NRS 603A.300 to 603A.360, inclusive, *and sections 1.5, 2 and 3 of this act* do not establish a private right of action against an operator.

~~[4.]~~ *5.* The provisions of NRS 603A.300 to 603A.360, inclusive, *and sections 1.5, 2 and 3 of this act* are not exclusive and are in addition to any other remedies provided by law.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 414 makes five changes to Senate Bill No. 260. It adds a new section to the bill to exempt certain organizations and information from the provisions of this bill. It clarifies that a "data broker" is a person whose primary business is the purchase of covered information. It deletes provisions that reduce from 30 days to 10 days the amount of time that an operator is authorized to remedy a failure of providing a consumer a notice containing certain information relating to the collection and sale of covered information.

The amendment adds a new section to the bill to exempt from the definition of "operator" a person who does not collect, maintain or sell covered information. It amends provisions in section 11 to remove "willfully" and simply leave "knowingly" as the standard for a violation of the requirement to provide a notice containing certain information relating to the collection and sale of covered information.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 233.

SUMMARY—Revises provisions relating to taxation of cannabis. (BDR 32-660)

AN ACT relating to taxation; ~~[exempting certain transfers of cannabis between affiliated cannabis cultivation facilities from the imposition of]~~ defining "wholesale sale" for the purposes of provisions imposing a tax on wholesale sales ~~[;]~~ of cannabis to exclude certain transfers of cannabis between cannabis cultivation facilities that share identical ownership; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes an excise tax at the rate of 15 percent of the fair market value at wholesale upon each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) This bill ~~[exempts from]~~ defines "wholesale sale" for the purposes of the provisions imposing such a tax ~~[any cannabis which is transferred from one]~~ to mean a sale or transfer of cannabis by a cannabis cultivation facility to ~~[an affiliated]~~ another cannabis ~~[cultivation facility.]~~ establishment. This bill excludes from the definition of "wholesale sale" a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

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

Section 1. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An ~~*[Except as otherwise provided in subsection 8, an]*~~ excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An ~~*[Except as otherwise provided in subsection 8, an]*~~ excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the adult-use cannabis retail store.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board

and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. ~~*[The excise tax imposed pursuant to subsections 1 and 2 does not apply to any transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility if the cannabis cultivation facility to which the cannabis is transferred is an affiliate of the cannabis cultivation facility transferring the cannabis.*~~

~~*— 9.]*~~ As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Adult-use cannabis retail store" has the meaning ascribed to it in NRS 678A.065.

(c) ~~*["Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For the purposes of this section, control shall be presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote or holds proxies representing 50 percent or more of the voting interests of any other person.*~~

~~*— (d)]*~~ "Cannabis product" has the meaning ascribed to it in NRS 678A120.

(d) ~~*[(e)]*~~ "Local government" has the meaning ascribed to it in NRS 360.640.

(e) ~~*[(f)]*~~ "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

(f) ~~[(g)]~~ "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

(g) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

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

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 233 to Senate Bill No. 278 deletes the provisions of the bil and, instead, establishes a definition of "wholesale sale" for the purposes of imposing the 15-percent wholesale, marijuana excise tax. Pursuant to the amendment, "wholesale sale" means a sale or transfer of cannabis by a cannabis-cultivation facility to another cannabis-cultivation facility or another cannabis establishment. The term does not include a transfer of cannabis by a cannabis-cultivation facility to another cannabis-cultivation facility when both cannabis-cultivation facilities share identical ownership.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 280.

Bill read second time.

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

Amendment No. 404.

SUMMARY—Revises provisions relating to the Real Estate Commission. (BDR 54-247)

AN ACT relating to real estate; increasing the membership of the Real Estate Commission from five members to seven members; requiring that the two additional members of the Commission reside in or have a principal place of business in Clark and Washoe Counties, respectively; limiting members of the Commission to 3-year terms after the Governor's initial appointments; requiring a member of the Commission to be a citizen or legal resident of the United States; requiring that the members of the Commission be appointed so that the members represent the ethnic and cultural diversity of this State; requiring at least one member of the Commission to be a person who advocates for consumer's rights and at least one member of the Commission to be an employee of certain entities that provide affordable housing; requiring the Governor to appoint the two new members to serve on the Commission with attenuated terms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Real Estate Commission, consisting of five members who are appointed by the Governor. (NRS 645.050) Existing law provides that of the five members: (1) three must reside in or have a

principal place of business in Clark County; (2) one must reside in or have a principal place of business in Washoe County; and (3) one must reside in or have a principal place of business in Carson City or Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey or White Pine County. (NRS 645.100) Section 1 of this bill increases the size of the Commission from five members to seven members. Section 1.5 of this bill provides that after the Governor's initial appointments of members to the Commission, all such members shall hold office for terms of 3 years. Existing law provides that members are eligible for reappointment, but shall not serve for a period of greater than 6 years consecutively. (NRS 645.060) Section 1.5 instead provides that members eligible for reappointment shall not serve for a period of greater than 6 years consecutively or until their successors have been appointed and have qualified. Section 3 of this bill requires that of the seven members: (1) four must reside in or have a principal place of business in Clark County; and (2) two must reside in or have a principal place of business in Washoe County.

Existing law requires each member of the Commission to: (1) be a citizen of the United States; (2) have been a resident of this state for not less than 5 years; and (3) have been actively engaged in business as a real estate broker in this State for at least 3 years or as a real estate broker-salesperson in this State for at least 5 years before appointment to the Commission. (NRS 645.090) Section 2 of this bill requires each member of the Commission to be a citizen or legal resident of the United States and to: (1) have been actively engaged in business as a real estate broker in this State for at least 3 years before appointment to the Commission; (2) be appointed so that, as a body and to the extent practicable, the members of the Commission represent the ethnic and cultural diversity of this State; (3) have been actively engaged in business as a real estate broker-salesperson in this State for at least 5 years before appointment to the Commission; ~~[(3)]~~ (4) be a person who advocates for the rights of a consumer; or ~~[(4)]~~ (5) be an employee of an organization that provides affordable housing or an employee of an affordable housing entity. Section 3 requires in addition that of the seven members appointed to the Commission: (1) at least one must be a person who advocates for the rights of a consumer; and (2) at least one must be an employee of an organization that provides affordable housing or an employee of an affordable housing entity.

~~[Section 4 of this bill makes a conforming change by updating existing references to subsections of section 3 to reflect changes made by this bill.]~~ Section 5 of this bill requires that as soon as practicable after July 1, 2021, the Governor appoint to the Commission: (1) one member who is a person who advocates for the rights of a consumer to serve on the Commission for a 1-year term; and (2) one member who is an employee of an organization that provides affordable housing or an employee of an affordable housing entity to serve on the Commission for a 2-year term. Section 5 provides that these terms do not

apply to computing the 6 years' consecutive service cap that applies to members of the Commission. (NRS 645.060)

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

Section 1. NRS 645.050 is hereby amended to read as follows:

645.050 1. The Real Estate Commission is hereby created. The Commission consists of ~~[five]~~ *seven* members appointed by the Governor.

2. The Commission shall act in an advisory capacity to the Real Estate Division, adopt regulations and conduct hearings as provided in this chapter. The Commission shall adopt regulations establishing standards for the operation of licensees' offices and for their business conduct and ethics.

3. The Commission may by regulation delegate any authority conferred upon it by this chapter to the Administrator to be exercised pursuant to the regulations of the Commission.

4. Service of process and other communications upon the Commission may be made at the principal office of the Real Estate Division.

Sec. 1.5. NRS 645.060 is hereby amended to read as follows:

645.060 *After the Governor's initial appointments of members to the Commission, all such members shall hold office for terms of 3 years.* Members are eligible for reappointment, but shall not serve for a period greater than 6 years consecutively ~~[,]~~ *or until their successors have been appointed and have qualified*, after which time they are not eligible for appointment or reappointment until 3 years have elapsed from any period of previous service. If a successor is appointed to fill the balance of any unexpired term of a member, the time served by the successor shall not apply in computing the 6 years' consecutive service unless the balance of the unexpired term exceeds 18 months.

Sec. 2. NRS 645.090 is hereby amended to read as follows:

645.090 *1.* Each member of the Commission must:

~~[1.]~~ *(a)* Be a citizen *or legal resident* of the United States ~~[.]~~ *; ~~[and]~~*

~~[2.]~~ *(b)* Have been a resident of the State of Nevada for not less than 5 years ~~[.~~

~~3. Have been actively engaged in business as:~~

~~(a) A]~~ *; and*

(c) Be appointed so that, as a body and to the extent practicable, the members of the Commission represent the ethnic and cultural diversity of this State, including, without limitation, members of ethnic minority groups and members of other underrepresented groups.

2. In addition to the requirements set forth in subsection 1, each member of the Commission must:

(a) Have been actively engaged in business as a real estate broker within the State of Nevada for at least 3 years immediately preceding the date of appointment; ~~[or]~~

(b) ~~[~~A~~]~~ *Have been actively engaged in business as a* real estate broker-salesperson within the State of Nevada for at least 5 years immediately preceding the date of appointment ~~[~~.~~]~~ *;*

(c) Be a person who advocates for the rights of a consumer; or

(d) Be an employee of:

(1) An organization that provides affordable housing; or

(2) An affordable housing entity.

3. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in NRS 278.0105.

(b) "Affordable housing entity" has the meaning ascribed to it in NRS 315.725.

Sec. 3. NRS 645.100 is hereby amended to read as follows:

645.100 1. Of the ~~[~~five~~]~~ *seven* members appointed to the Commission pursuant to NRS 645.050:

(a) ~~[~~Three~~]~~ *Four* members must reside in or have a principal place of business located in Clark County;

(b) ~~[~~One member~~]~~ *Two members* must reside in or have a principal place of business located in Washoe County; and

(c) One member must reside in or have a principal place of business located in Carson City or Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey or White Pine County.

2. *In addition to the requirements of subsection 1, of the seven members appointed to the Commission pursuant to NRS 645.050:*

(a) At least one member must meet the requirements of paragraph (c) of subsection 2 of NRS 645.090; and

(b) At least one member must meet the requirements of paragraph (d) of subsection 2 of NRS 645.090.

3. For purposes of appointing a member or filling a vacancy in the membership of the Commission, if no qualified person is willing to serve on the Commission from the region prescribed in:

(a) Paragraph (a) of subsection 1, the Governor must appoint a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (c) of subsection 1 or, if there is no such person, a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (b) of subsection 1.

(b) Paragraph (b) of subsection 1, the Governor must appoint a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (a) of subsection 1 or, if there is no such person, a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (c) of subsection 1.

(c) Paragraph (c) of subsection 1, the Governor must appoint a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (b) of subsection 1 or, if there is no such person, a qualified person who is willing to serve on the Commission from the region prescribed in paragraph (a) of subsection 1.

➥ If there is no qualified person willing to be appointed or to fill a vacancy on the Commission from any region, the seat must be left vacant.

~~[3.]~~ *4.* At the expiration of the term of a member who is appointed from outside a prescribed region pursuant to paragraph (a), (b) or (c) of subsection ~~[2]~~ *3* or if that member vacates the seat, the Governor must appoint a qualified person from the prescribed region or, if no qualified person is willing to serve on the Commission from that region, appoint a qualified person pursuant to paragraph (a), (b) or (c) of subsection ~~[2,]~~ *3*, as applicable.

~~[4.]~~ *5.* The apportionment of members pursuant to subsection 1 is intended to give approximately proportional regional representation on the Commission to the residents of this State. In each regular legislative session following the completion of a decennial census conducted by the Bureau of the Census of the United States Department of Commerce, the apportionment of members on the Commission must be reconsidered to ensure approximately proportional regional representation is maintained. Any reapportionment of a seat pursuant to this subsection does not become effective until the expiration of the term of the member who holds the seat immediately preceding the date of the reapportionment.

Sec. 4. ~~[NRS 645.170 is hereby amended to read as follows:~~

~~645.170 1. The Director shall designate the location of the principal office of the Real Estate Division. The Administrator shall conduct business primarily in the principal office of the Real Estate Division.~~

~~2. If the principal office of the Real Estate Division is located in:~~

~~(a) The southern district of Nevada created pursuant to subsection [3] *4* of NRS 645.100, the Real Estate Division shall establish at least one branch office in the northern district of Nevada created pursuant to subsection [4] *5* of NRS 645.100.~~

~~(b) The northern district of Nevada, the Real Estate Division shall establish at least one branch office in the southern district of Nevada.~~

~~3. The Real Estate Division may designate other convenient places within the State for the establishment of branch offices.]~~ (Deleted by amendment.)

Sec. 5. 1. As soon as practicable after July 1, 2021, the Governor shall appoint to the Commission:

(a) One member described in paragraph (a) of subsection 2 of section 3 of this act to a term which expires on June 30, 2022; and

(b) One member described in paragraph (b) of subsection 2 of section 3 of this act to a term which expires on June 30, 2023.

2. If a member is appointed pursuant to subsection 1, the time served by the appointed member as specified in subsection 1 shall not apply in computing the 6 years' consecutive service set forth in NRS 645.060 ~~[.]~~ , as amended by section 1.5 of this act.

3. As used in this section, "Commission" means the Real Estate Commission created by NRS 645.050 ~~[.]~~ , as amended by section 1 of this act.

Sec. 6. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 404 makes two changes to Senate Bill No. 280. It adds a new section to the bill to require that members appointed to the Real Estate Commission hold office for terms of three years and provides that a member serves until their successors have been appointed and qualified. It expands the qualifications of persons appointed to the Commission to include representatives of ethnic-minority groups or underrepresented groups of this State.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 473.

SUMMARY—Enacts provisions relating to certain products containing hemp. (BDR 32-974)

AN ACT relating to hemp; imposing an excise tax on retail sales of consumable hemp products; providing for the administration and enforcement of the excise tax; prohibiting a person from selling or offering to sell a consumable hemp product unless the product satisfies certain requirements established by the ~~[State]~~ Department of ~~[Agriculture;]~~ Health and Human Services; requiring the Department to establish certain requirements relating to the testing and labeling of consumable hemp products; authorizing the Department to take certain actions against a person who violates such requirements; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides for the regulation of growers and handlers of hemp and producers of agricultural hemp seed by the State Department of Agriculture. (Chapter 557 of NRS) However, existing law requires]~~ prohibits a person from selling or offering to sell any commodity or product containing hemp which is intended for human consumption unless the commodity or product has been tested and labeled in accordance with requirements set forth by the Department of Health and Human Services . ~~[to establish]~~ Existing law requires the Department to adopt regulations establishing such requirements . ~~[for the testing and labeling of commodities and products that contain hemp which are intended for human consumption.]~~ (NRS 439.532) Section 40 of this bill repeals ~~[the requirement]~~ those provisions that : (1) prohibit the sale or offering for sale of a commodity or product that contains hemp that is intended for human consumption unless the commodity or product meets certain requirements; and (2) require the Department ~~[of Health and Human Services regulate commodities and products that contain hemp which are intended for human consumption. Sections 25-37 of this bill provide, instead, for the regulation of consumable hemp products by the State Department of Agriculture.]~~ to adopt regulations establishing such requirements. Section ~~[26]~~ 31 of this bill ~~[defines]~~ reenacts those provisions, but limits their

applicability to "consumable hemp ~~[product"]~~ products," which are defined in section 26 of this bill generally to mean a commodity or product that contains hemp , other than a component of hemp that the United States Food and Drug Administration has determined to be safe for human consumption, and: (1) has a THC concentration that does not exceed the maximum THC concentration for hemp established by federal law; and (2) is intended for human consumption. ~~[~~

~~Section 31 of this bill prohibits a person from selling or offering to sell a consumable hemp product unless the product has been tested and labeled in accordance with requirements set forth by the State Department of Agriculture. Section 32 of this bill requires a person who wishes to sell a consumable hemp product to first submit that product to the Department or a cannabis independent testing laboratory for testing. Section 39 of this bill authorizes a cannabis independent testing laboratory to perform such testing. Section 32 also requires the Department to adopt certain regulations relating to the testing of consumable hemp products and the standards that such products must satisfy. Section 33 of this bill requires the Department to adopt regulations establishing requirements for the labeling of consumable hemp products.]~~ Sections 25-37 of the bill provide for the regulation of consumable hemp products by the Department.

Section 34 of this bill authorizes the Department and a local board of health to investigate apparent violations of the provisions of sections 25-37 and authorizes representatives of the Department and a local board of health to inspect any premises at which a consumable hemp product is sold. Section 35 of this bill authorizes the Department to bring an action to enjoin violations of the provisions of sections 25-37. Section 36 of this bill makes it a misdemeanor to violate any provision of sections 25-37 and authorizes the Department to impose an administrative fine of not more than $2,500 for such a violation. Section 38 of this bill makes a conforming change to reflect the repeal of the previous authority of the Department ~~[of Health and Human Services]~~ to regulate commodities and products that contain hemp ~~[.]~~ and the addition of sections 25-37 governing the regulation of consumable hemp products by the Department.

Section 4 of this bill defines "consumable hemp product retailer" to mean a person who makes any retail sales of consumable hemp products. Section 11 of this bill imposes an excise tax on each retail sale of consumable hemp products by a consumable hemp product retailer at the rate of ~~[1]~~ 3 percent of the sales price of the consumable hemp products. Under section 11, the revenues collected from the excise tax are required to be distributed: (1) to the ~~[State]~~ Department of ~~[Agriculture]~~ Health and Human Services in an amount necessary to carry out the provisions of sections 25-37; ~~[and]~~ (2) to the State Department of Agriculture in an amount necessary to carry out the provisions of existing law governing the regulation of growers and handlers of hemp and producers of agricultural hemp seed; and (3) if any money remains, to the State

Education Fund. Section 23 of this bill makes a conforming change to account for the addition of such revenue in the State Education Fund.

Sections 2-10 and 12-20 of this bill provide generally for the administration and enforcement of the excise tax on consumable hemp products. Section 8 of this bill adopts by reference provisions of general applicability relating to the payment, collection, administration and enforcement of taxes. Sections 9 and 10 of this bill require a consumable hemp product retailer to maintain certain records and provide for the inspection of those records by the Department of Taxation. Sections 12-14, 21 and 22 of this bill adopt provisions governing penalties for failures to pay, claims for refunds and credits and the payment of interest on any overpayment of the excise tax on consumable hemp products. Section 15 of this bill sets forth the procedure by which the denial of a claim for a refund or credit may be appealed to the Nevada Tax Commission. Section 16 of this bill denies standing to commence or maintain a proceeding for judicial review to anyone other than the person who made the disputed payment. If judgment is rendered for the claimant in such a proceeding, section 17 of this bill provides for the allowance and computation of interest on the amount found to have been erroneously or illegally collected. Section 18 of this bill prohibits proceedings to prevent or enjoin the collection of the tax and requires that a timely claim for a refund or credit be made as a prerequisite to any proceeding for the recovery of a refund. Section 19 of this bill makes it a gross misdemeanor for any person to file a false or fraudulent return or engage in other conduct with intent to defraud the State or evade payment of the tax. Section 20 of this bill provides that the remedies of the State relating to the administration of the tax are cumulative.

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

Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *As used in this chapter, 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. *"Consumable hemp product" has the meaning ascribed to it in section 26 of this act.*

Sec. 4. *1. "Consumable hemp product retailer" means any person who makes any retail sale or sales of consumable hemp products.*

2. The term does not include a cannabis establishment, as defined in NRS 678A.095.

Sec. 5. *"Excise tax on consumable hemp products" means the excise tax imposed by section 11 of this act.*

Sec. 6. *"Retail sale" means any sale for any purposes other than for resale.*

Sec. 7. *"Sales price" has the meaning ascribed to it in NRS 372A.247.*

Sec. 8. *The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax on consumable hemp products to the extent that those provisions do not conflict with the provisions of this chapter.*

Sec. 9. *1. Each person responsible for maintaining the records of a consumable hemp product retailer shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the consumable hemp product retailer pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to the provisions of this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of misdemeanor.

Sec. 10. *1. To verify the accuracy of any return filed by a consumable hemp product retailer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax on consumable hemp products.*

2. Any person who may be liable for the excise tax on consumable hemp products and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 11. *1. An excise tax is hereby imposed on each retail sale in this State of consumable hemp products by a consumable hemp product retailer at the rate of ~~[1]~~ 3 percent of the sales price of the consumable hemp products. The excise tax imposed pursuant to this subsection:*

(a) Is the obligation of the consumable hemp product retailer; and

(b) Is separate from and in addition to any general and local sales and use taxes that apply to retail sales of tangible personal property.

2. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed to:

(a) The ~~[State]~~ Department of ~~[Agriculture]~~ Health and Human Services in an amount determined to be necessary by the ~~[State]~~ Department of ~~[Agriculture]~~ Health and Human Services to pay the costs of carrying out the provisions of the chapter consisting of sections 25 to 37, inclusive, of this act; ~~[and]~~

(b) The State Department of Agriculture in an amount determined to be necessary by the State Department of Agriculture to pay the costs of carrying out the provisions of chapter 557 of NRS; and

(c) If any money remains after the revenues are distributed pursuant to ~~[paragraph]~~ paragraphs (a) ~~[,]~~ and (b), to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 12. *If the Department determines that the excise tax on consumable hemp products or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in accordance with NRS 360.236, be refunded to the person or his or her successors in interest.*

Sec. 13. *1. Except as otherwise provided in NRS 360.235 and 360.395:*

(a) No refund of the excise tax on consumable hemp products may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 14. *1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax on consumable hemp products at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.*

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 15. *1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.*

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider

the claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 16. *1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.*

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 17. *1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.*

2. In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 18. *1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax on consumable hemp products or any amount of tax, penalty or interest required to be collected.*

2. No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 13 of this act.

Sec. 19. *1. A person shall not, with intent to defraud the State or evade payment of the excise tax on consumable hemp products or any part of the tax:*

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 20. *The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.*

Sec. 21. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C or 377D of NRS ~~[,]~~ *or the chapter consisting of sections 2 to 20, inclusive, of this act,* any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 22. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C, 377D, 444A or 585 of NRS ~~[,]~~ *or the chapter consisting of sections 2 to 20, inclusive, of this act,* any of the taxes provided for in NRS 372A.290, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 23. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(e) The money identified in subsection 1 of NRS 328.450;

(f) The money identified in subsection 1 of NRS 328.460;

(g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(j) The portion of the proceeds of the tax imposed pursuant to subsection1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(k) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(m) The money identified in paragraph (b) of subsection 3 of NRS 678B.390;

(n) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(o) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(p) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(q) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(r) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; ~~[and]~~

(s) *The portion of the proceeds of the tax imposed pursuant to subsection 1 of section 11 of this act identified in paragraph ~~[(b)]~~ (c) of subsection 2 of section 11 of this act; and*

(t) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to NRS 387.1214. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.

Sec. 24. Title 49 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 25 to 37, inclusive, of this act.

Sec. 25. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 26 to 29, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 26. *"Consumable hemp product" means a commodity or product that contains hemp* , other than a component of hemp which the United States Food and Drug Administration has been generally recognized as safe for human consumption, *and:*

1. Has a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp; and

2. Is intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

Sec. 27. *"Department" means the ~~[State]~~ Department of ~~[Agriculture.]~~ Health and Human Services.*

Sec. 28. *"Hemp" has the meaning ascribed to it in NRS 557.160.*

Sec. 29. *"THC" has the meaning ascribed to it in NRS 453.139.*

Sec. 30. *The provisions of this chapter do not apply to a cannabis establishment, as defined in NRS 678A.095.*

Sec. 31. *1. A person shall not sell or offer to sell a consumable hemp product in this State unless the consumable hemp product:*

~~[1.]~~ (a) Has been tested ~~[in accordance with section 32 of this act and satisfies the requirements set forth in that section; and~~

~~2.]~~ by a cannabis independent testing laboratory and satisfies any standards established by regulation of the Department pursuant to subsection 3; and

(b) Is labeled in accordance with the ~~[requirements set forth by regulation of]~~ regulations adopted by the Department pursuant to ~~[section 33 of this act.]~~ subsection 3.

2. A person who produces or offers for sale a consumable hemp product may submit the consumable hemp product to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any consumable hemp product. Such regulations must:

(a) Set forth protocols and procedures for the testing of consumable hemp products; and

(b) Require that any consumable hemp product is labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapters 446 and 585 of NRS.

4. As used in this section "cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

Sec. 32. ~~[1. Each consumable hemp product sold in this State must:~~

~~(a) Have a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp; and~~

~~(b) Meet all standards for content, quality and potency established by regulation of the Department pursuant to subsection 3.~~

~~2. A person who wishes to sell a consumable hemp product shall, before the sale, submit the product to the Department or a cannabis independent testing laboratory approved by the Department for testing to determine whether the product satisfies the requirements set forth in subsection 1. The Department may adopt regulations relating to such testing which include, without limitation:~~

~~(a) Protocols and procedures for the testing of a consumable hemp product; and~~

~~(b) A requirement that a cannabis independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.~~

~~3. The Department shall adopt regulations establishing standards for content, quality and potency of consumable hemp products sold in this State.~~

~~4. As used in this section, "cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.]~~ (Deleted by amendment.)

Sec. 33. ~~[The Department shall adopt regulations establishing requirements for the labeling of consumable hemp products. Such regulations must require, without limitation, a consumable hemp product to be labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapters 446 and 585 of NRS.]~~ (Deleted by amendment.)

Sec. 34. *1. The Department ~~[shall receive reports and]~~ or a local board of health may investigate apparent violations of the provisions of this chapter or the regulations adopted pursuant thereto.*

2. Any duly authorized officer, employee or representative of the Department or a local board of health may enter into and inspect at any reasonable time any premises at which a consumable hemp product is sold for purposes of ascertaining compliance with the provisions of this chapter.

3. A person shall not:

(a) Refuse entry or access to any authorized representative of the Department or a local board of health who requests entry for the purposes of inspection, as provided in this section, and who presents appropriate credentials; or

(b) Obstruct, hamper or interfere with any such inspection.

Sec. 35. *1. If the Department determines that a person has violated or is about to violate any provision of this chapter, the Department may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.*

2. An injunction ~~[:]~~ in an action brought the Department pursuant to subsection 1:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.

3. If a local board of health determines that a person has violated or is about to violate any provision of this chapter, the local board of health may report the violation to the Department, which may proceed in the manner described in subsection 1.

Sec. 36. *Any person violating the provisions of this chapter, or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than $2,500 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.*

Sec. 37. *The Department shall adopt such regulations as it determines are necessary to carry out the provisions of this chapter.*

Sec. 38. NRS 557.270 is hereby amended to read as follows:

557.270 1. A grower, handler or producer may submit hemp or a commodity or product made using hemp , other than a ~~[commodity or]~~ *consumable hemp* product ~~[described in subsection 1 of NRS 439.532,]~~ , *as defined in section 26 of this act,* to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

2. A grower or producer shall, before harvesting, submit a sample of each crop to the Department or a cannabis independent testing laboratory approved by the Department to determine whether the crop has a THC concentration that exceeds the maximum THC concentration established by federal law for hemp.

The Department may adopt regulations relating to such testing which include, without limitation:

(a) Protocols and procedures for the testing of a crop, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing; and

(b) A requirement that a cannabis independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

3. A crop which is harvested before the testing required by subsection 2 is completed shall be deemed to have failed the testing and may be detained, seized or embargoed by the Department. The Department shall not renew the registration of a grower or producer who harvests a crop before the testing required by subsection 2 is completed.

4. Except as otherwise provided in subsection 3 and by federal law, a grower or producer whose crop fails a test prescribed by the Department pursuant to this section may submit that same crop for retesting. The Department shall adopt regulations establishing protocols and procedures for such retesting.

5. As used in this section, "cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

Sec. 39. ~~[NRS 678B.290 is hereby amended to read as follows:~~

~~678B.290 1. The Board shall establish standards for and certify one or more cannabis independent testing laboratories to:~~

~~(a) Test cannabis for adult use and adult use cannabis products that are to be sold in this State;~~

~~(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and~~

~~(c) In addition to the testing described in paragraph (a) or (b), test [commodities] :~~

~~*(1) Commodities* or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment [.] *; and*~~

~~*(2) Consumable hemp products, as defined in section 26 of this act, in accordance with the provisions of the chapter consisting of sections 25 to 37, inclusive, of this act.*~~

~~2. Such a cannabis independent testing laboratory must be able to:~~

~~(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:~~

~~(1) The concentration therein of THC and cannabidiol.~~

~~(2) The presence and identification of microbes, molds and fungi.~~

~~(3) The composition of the tested material.~~

~~(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.~~

~~(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.~~

~~3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:~~

~~(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.~~

~~(b) Pay the fees required pursuant to NRS 678B.390.~~

~~(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure.]~~ (Deleted by amendment.)

Sec. 40. NRS 439.532 is hereby repealed.

Sec. 41. 1. This ~~[act]~~ section becomes effective ~~[on]~~ upon passage and approval.

2. Sections 1 to 40, inclusive, of this act become effective:

(a) On January 1, 2022 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, 2023 for all other purposes.

TEXT OF REPEALED SECTION

439.532 Testing and labeling of certain products containing cannabidiol; regulations.

1. Unless federal law or regulation otherwise requires, a person shall not sell or offer to sell any commodity or product containing hemp which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp unless such a commodity or product:

(a) Has been tested by an independent testing laboratory and meets the standards established by regulation of the Department pursuant to subsection 3; and

(b) Is labeled in accordance with the regulations adopted by the Department pursuant to subsection 3.

2. A person who produces or offers for sale a commodity or product described in subsection 1 may submit such a commodity or product to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any commodity or product described in subsection 1. Such regulations must:

(a) Set forth protocols and procedures for the testing of the commodities and products described in subsection 1; and

(b) Require that any commodity or product described in subsection 1 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapters 446 and 585 of NRS.

4. As used in this section:

(a) "Cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

(b) "Hemp" has the meaning ascribed to it in NRS 557.160.

(c) "Intended for human consumption" means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

(d) "THC" has the meaning ascribed to it in NRS 453.139.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 473 to Senate Bill No. 281 makes the following changes to the bill. The provisions of the bill are restructured to provide for the administration and regulation of consumable hemp products to be reformed by DHHS and local health boards rather than the Department of Agriculture. The definition of a consumable hemp product is revised to specify that it is a commodity or product that contains hemp, other than the component of hemp, which the U.S. Department of Agriculture generally recognizes as safe for human consumption. It also states that the excise tax imposed on consumable hemp products is increased from 1 percent to 3 percent. The distribution of the revenue from the excise tax, as revised, requires a portion of the revenue to be distributed to DHHS to pay the cost of administration and regulation of the consumable hemp products. Pursuant to the bill, a portion of the revenue will be distributed to the Department of Agriculture to pay the cost of carrying out provisions of chapter 557. The remaining revenue is to be deposited in the State Education Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 435.

SUMMARY—Revises provisions relating to higher education. (BDR 34-933)

AN ACT relating to education; requiring the Chancellor of the Nevada System of Higher Education to develop a plan to manage the assets and resources of the state land grant institutions; designating certain institutions within the Nevada System of Higher Education as the state land grant institutions; ~~[designating the Board of Regents of the University of Nevada as the governing authority of the University of Nevada; establishing provisions relating to the assets of state land grant institutions; establishing northern and southern regions of the State for the purposes of cooperative extension programs; placing the operation of the programs in the regions under the control, respectively, of the President of the University of Nevada, Reno, and the President of University of Nevada, Las Vegas, or their designees;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of Article 11 of the Nevada Constitution designates certain proceeds from public lands to be used for certain colleges in this State. Section 6 of this bill designates the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute as the state land

grant institutions. ~~[Section 7 of Article 11 of the Nevada Constitution requires a Board of Regents to control and manage the affairs and funds of the University of Nevada. Section 2 of this bill designates the Board of Regents as the governing authority of the University of Nevada.]~~ Section 3 of this bill provides that the Chancellor of the Nevada System of Higher Education shall ~~[administer]~~ develop a plan to manage the assets and resources of the state land grant institutions. ~~[Section 4 of this bill provides that the material assets of the state land grant institutions are the collective property of the state land grant institutions and any profits derived from the sale of such assets are to be distributed evenly among the state land grant institutions.~~

~~Existing law provides for certain educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development and natural resources in this State, conducted in accordance with cooperative agreements between the boards of county commissioners of participating counties and the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education. The money for such programs is provided, in part, by property taxes levied in each participating county and legislative appropriations. (NRS 549.010, 549.020, 549.040) Section 7 of this bill establishes the northern and southern regions of this State and provides that the budgets and expenditures of those programs must be approved and directed by the President, or a person designated by the President, of the University of Nevada, Reno, in the northern region of the State, and the president, or a person designated by the president, of the University of Nevada, Las Vegas, in the southern region of the State. Sections 8-11 of this bill make conforming changes to implement section 7.]~~

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

Section 1. ~~[Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~ (Deleted by amendment.)

Sec. 2. ~~*[The Board of Regents is hereby designated as the governing authority of the University of Nevada in accordance with Section 7 of Article 11 of the Constitution of the State of Nevada.]*~~ (Deleted by amendment.)

Sec. 3. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chancellor shall ~~[administer]~~ develop a plan to manage the assets ~~[of]~~ and resources held by or afforded to the state land grant institutions designated pursuant to section 6 of this act. ~~[, including, without limitation, the Agricultural Extension Department and the Agricultural Experiment Station of the Public Service Division of the System, and provide other administrative functions as necessary to support the University of Nevada.]~~ The plan may be based in whole or in part on agreements negotiated and reached among the land grant institutions. The Chancellor may establish one or more advisory or technical committees and employ any staff , including,

without limitation, consultants, necessary to assist the Chancellor in performing his or her duties pursuant to this section . ~~[and as prescribed]~~

2. After receiving approval of the plan by the Board of Regents ~~[pursuant to NRS 396.230.]~~ , the Chancellor shall submit the plan to the Governor and the Director of the Legislative Counsel Bureau.

3. If the Chancellor establishes an advisory or technical committee pursuant to subsection 1, the membership of the committee must include the primary administrators of the Agricultural Extension Department and the Agricultural Experiment Station.

Sec. 4. ~~[*The material assets of the state land grant institutions designated pursuant to section 6 of this act are the collective property of the state land grant institutions. Any profits derived from the sale of the material assets of the state land grant institutions must be divided equally among the state land grant institutions.*]~~ (Deleted by amendment.)

Sec. 5. ~~[Chapter 549 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.]~~ (Deleted by amendment.)

Sec. 6. Chapter 549 of NRS is hereby amended by adding thereto a new section to read as follows:

The state land grant institutions of the University of Nevada are the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute.

Sec. 7. ~~[*1. Except as otherwise prohibited by federal law, the proceeds of the tax collected pursuant to NRS 549.020 in each participating county in the relevant region of this State, any money appropriated pursuant to NRS 549.020 and any other money available from any source to carry out the provisions of this chapter must be expended as directed for the relevant region of this State in accordance with subsection 2 or 3, as applicable.*~~

~~*2. For any cooperative extension work performed in a participating county in the northern region of this State, consisting of Carson City, Churchill County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County, Lyon County, Mineral County, Pershing County, Storey County, Washoe County and White Pine County, the money described in subsection 1 must be expended as directed by the President of the University of Nevada, Reno, or a person designated by the President.*~~

~~*3. For any cooperative extension work performed in a participating county in the southern region of this State, consisting of Clark County, Lincoln County and Nye County, the money described in subsection 1 must be expended as directed by the President of the University of Nevada, Las Vegas, or a person designated by the President.*]~~ (Deleted by amendment.)

Sec. 8. ~~[NRS 549.010 is hereby amended to read as follows:~~

~~549.010 To provide for continued educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada, the Director of the Agricultural Extension Department of the Public Service~~

~~Division of the Nevada System of Higher Education and the boards of county commissioners of any or all of the respective counties of the State of Nevada may enter into cooperative agreements and activities subject to the provisions of this chapter. *Any such agreement must be approved by the President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 7 of this act.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 549.020 is hereby amended to read as follows:~~

~~549.020 1. The Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education shall prepare and submit to the board of county commissioners, for each county participating, an annual financial budget [covering] :~~

~~*(a) Approved by the President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 7 of this act.*~~

~~*(b) Covering* the county, state and federal funds cooperating in the cost of educational, research, outreach and service programs pertaining to agriculture, community development, health and nutrition, horticulture, personal and family development, and natural resources in the rural and urban communities in the State of Nevada.~~

~~2. The budget must be adopted by the board of county commissioners and certified as a part of the annual county budget, and the county tax levy provided for agricultural extension work in the annual county budget must include a levy of not less than 1 cent on each $100 of taxable property. If the proceeds of the county tax levy of 1 cent are insufficient to meet the county's share of the cooperative agricultural extension work, as provided in the combined annual financial budget, the board of county commissioners may, by unanimous vote, levy an additional tax so that the total in no instance exceeds 5 cents on each $100 of the county tax rate.~~

~~3. The proceeds of such a tax must be placed in the agricultural extension fund in each county treasury and must be paid out on claims drawn by the agricultural extension agent of the county as [designated by the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education, when approved by the Director and] *directed by the President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 7 of this act, and* countersigned by the Treasurer of the Nevada System of Higher Education.~~

~~4. A record of all such claims approved and paid, segregated by counties, must be kept by the Treasurer of the Nevada System of Higher Education. The cost of maintaining the record must be paid from state funds provided for by this chapter.~~

~~5. The State's cooperative share of the cost of such agricultural extension work, as entered in the budget described in this section, must not be more than a sum equal to the proceeds of 1 cent of such county tax rate; but when the~~

~~proceeds of a 1-cent tax rate are insufficient to carry out the provisions of the budget previously adopted, the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education is authorized to supplement the State's cooperative share from the funds as may be made available in the Public Service Division Fund of the Nevada System of Higher Education.]~~ (Deleted by amendment.)

Sec. 10. ~~[NRS 549.030 is hereby amended to read as follows:~~

~~549.030 1. [A]~~ *Within 10 days after its approval by the board of county commissioners, a* ~~certified copy of the county extension work budget as adopted and approved pursuant to NRS 549.020 must be filed with [the]~~ *:*

~~*(a) The President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 7 of this act; and*~~

~~*(b) The* Treasurer of the Nevada System of Higher Education *.* [within 10 days after its approval by the board of county commissioners.]~~

~~2. Necessary modifications thereof, involving county and state funds, resulting from leaves of absence without pay, resignations, changes in salary, dismissals or employment of any cooperative agent, variations in expense accounts or otherwise, not involving an increase in the total expenditures provided to be paid from the funds and consistent with the purposes of this chapter, may be made by filing with [the]~~ *:*

~~*(a) The President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 7 of this act;*~~

~~*(b) The* Treasurer of the Nevada System of Higher Education *;* and [the]~~

~~*(c) The* board of county commissioners *,*~~

~~**"** a revised budget, approved by the [Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ *President, or a person designated by the President, of the University of Nevada, Reno, or the University of Nevada, Las Vegas, for the applicable region of this State as described in section 7 of this act,* ~~and countersigned by the Treasurer of the Nevada System of Higher Education.]~~ (Deleted by amendment.)

Sec. 11. ~~[NRS 549.050 is hereby amended to read as follows:~~

~~549.050 All moneys appropriated pursuant to NRS 549.040 must be expended [under the direction of the Director of the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education]~~ *as provided in section 7 of this act* ~~to the extent of the financial budget for cooperation between the State and the respective counties provided for in NRS 549.020.]~~ (Deleted by amendment.)

Sec. 11.3. The Chancellor of the Nevada System of Higher Education shall first submit the plan to manage the assets and resources held by or afforded to the state land grant institutions developed pursuant to section 3 of this act to the Governor and the Director of the Legislative Counsel Bureau on or before February 1, 2023.

Sec. 11.7. The provisions of section 3 of this act do not affect any appropriations to the Agricultural Extension Department or the Agricultural Experiment Station of the Public Service Division of the Nevada System of Higher Education as they exist on July 1, 2021.

Sec. 12. This act becomes effective on July 1, 2021.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 435 to Senate Bill No. 287 deletes most of the language of the bill as originally drafted, except for the designation of the State land-grant institutions. It requires the Chancellor of the Nevada System of Higher Education to develop a plan to manage the assets and resources held by or afforded to the State land-grant institutions and requires the Board of Regents to approve such a plan. It includes certain stakeholders on advisory or technical committees the Chancellor may establish in order to develop the plan to manage the assets and resources of the State land-grant institutions. It requires the plan to be submitted to LCB and the Governor by February 1, 2023. It also includes the requirement that certain funding allocated to the Agricultural Extension and Experiment Station programs continue to be appropriated to and expended through those programs established prior to July 1, 2021.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 291.

Bill read second time.

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

Amendment No. 411.

SUMMARY— ~~[Provides for the licensure and regulation of master estheticians and instructors of master estheticians.]~~ Authorizes the State Board of Cosmetology to adopt regulations to provide for classifications of licensing as an esthetician. (BDR 54-997)

AN ACT relating to cosmetology; ~~[providing for the licensure and regulation of master estheticians and instructors of master estheticians by the State Board of Cosmetology; setting forth certain requirements for licensure as a master esthetician or instructor of master estheticians; setting forth certain requirements for the performance of certain procedures performed by a registered nurse or a master esthetician; prohibiting a master esthetician or registered nurse from performing certain procedures; requiring the Board to prescribe a curriculum for a course of study in master esthetics; establishing certain fees relating to licensure as a master esthetician and an instructor of master estheticians; revising provisions relating to schools of cosmetology and cosmetological establishments; authorizing the Board to, for a certain period of time, issue a license as a master esthetician to certain persons who would otherwise not qualify for licensure;]~~ authorizing the State Board of Cosmetology to adopt regulations to provide for classifications of licensing as an esthetician; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in the practice of various branches of

cosmetology, cosmetological establishments, schools of cosmetology and instructors at such schools. (Chapter 644A of NRS) Among the persons licensed and regulated by the Board are persons engaged in the practice of esthetics, which existing law generally defines to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair from the body. (NRS 644A.075) ~~[This bill provides for the licensure and regulation of: (1) persons designated by section 12 of this bill as "master estheticians" who, in addition to the practice of esthetics, also engage in certain specified advanced esthetic procedures; and (2) instructors of master estheticians.~~

~~Existing law requires the Board to hold examinations to determine the qualifications of all applicants for a license issued by the Board. (NRS 644A.300-644A.435) Section 18 of this bill sets forth certain requirements for admission to examination for a license as a master esthetician. Section 19 of this bill sets forth certain requirements for the examination for licensure as a master esthetician.~~

~~Section 5 of this bill specifies certain procedures that constitute an "advanced esthetic procedure." Among these procedures is a "nonablative esthetic medical procedure" which is defined generally in sections 8 and 17 of this bill to mean a procedure performed for esthetic purposes using certain medical devices and which is not expected to excise, vaporize, disintegrate or remove living tissue. Section 21 of this bill sets forth certain requirements for the performance of a nonablative esthetic medical procedure by a master esthetician. Section 21 also prohibits a master esthetician from performing an "ablative esthetic medical procedure" which is defined generally in sections 4 and 8 of this bill to mean a procedure performed for esthetic purposes using certain medical devices and which is expected to excise, vaporize, disintegrate or remove living tissue. Section 1 of this bill applies the same requirements for the performance of a nonablative esthetic medical procedure and the same prohibition on ablative esthetic medical procedures applicable to a master esthetician in section 21 to a registered nurse.~~

~~Existing law sets forth various requirements for the operation of schools of cosmetology. (NRS 644A.700-644A.755) Section 22 of this bill requires the Board to adopt regulations prescribing a curriculum for a course of study in master esthetics to be used by a licensed school of cosmetology that wishes to offer such a course of study and sets forth certain requirements for the curriculum. Existing law imposes certain requirements for admission to examination for a license as an instructor of cosmetology, instructor of estheticians and instructor in nail technology. (NRS 644A.420, 644A.425, 644A.430) Section 20 of this bill imposes similar requirements for admission to examination for a license as an instructor of master estheticians. Section 41 of this bill requires a student master esthetician to complete a certain number of hours of instruction before commencing work on members of the public.~~

~~Existing law exempts a person authorized to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry from the provisions of existing~~

~~law regarding cosmetology. (NRS 644A.150) Section 25 of this bill revises that exemption for the purposes of allowing only a physician or osteopathic physician, a physician assistant or an advanced practice registered nurse to engage in practice of master esthetics without being subject to the requirements set forth in this bill.~~

~~Section 24 of this bill includes master esthetician within the occupations encompassing the definition of "cosmetology" set forth in existing law. (NRS 644A.040) Section 2 of this bill includes a person licensed as a master esthetician among the persons exempt from the provisions of existing law governing massage therapy. (NRS 640C.100) Section 26 of this bill authorizes a person licensed as a master esthetician to be appointed to the Board.~~

~~Section 28 of this bill provides for the issuance of a provisional license as an instructor to certain licensed master estheticians under certain circumstances. Section 29 of this bill authorizes the Board to issue a limited license to certain persons who are licensed as master estheticians, which allows for the practice of master esthetics subject to certain restrictions.~~

~~Section 31 of this bill revises provisions relating to the language in which examinations for licenses issued by the Board are given to apply to examinations for a license as a master esthetician and an instructor of master estheticians.~~

~~Sections 30 and 33 of this bill establish certain fees for the examination and issuance of a license as a master esthetician and an instructor of master estheticians. Sections 35-37 of this bill revise provisions relating to the expiration and renewal of licenses issued by the Board to apply to a license as a master esthetician and an instructor of master estheticians.~~

~~Sections 38-40 of this bill revise provisions relating to the operation of cosmetological establishments to apply to cosmetological establishments at which master estheticians practice.~~

~~Section 42 of this bill revises provisions relating to disciplinary action against holders of licenses issued by the Board to apply to holders of a license as a master esthetician or an instructor of master estheticians.~~

~~Section 44 of this bill sets forth a process by which the Board is authorized to issue a license as a master esthetician to certain applicants who do not meet the requirements set forth in this bill but who: (1) hold a license as an esthetician issued by the Board on or before October 1, 2023; (2) apply for licensure on or before October 1, 2023; and (3) meet certain other requirements.~~

~~Sections 4-17 of this bill define words and terms applicable to the provisions of this bill. Sections 23, 32 and 43 of this bill make conforming changes to properly place new language in the Nevada Revised Statutes.]~~ Section 1 of this bill authorizes the Board to adopt regulations to provide for classifications of licensing as an esthetician. Section 1 requires any such regulations to establish: (1) the qualifications for the issuance of each classification of license; (2) the qualifications for the renewal of each classification of license; (3) the fees for the issuance and renewal of each classification of license; and (4) the

authorized scope of practice of each classification of license. Section 2 of this bill provides that any regulations adopted pursuant to section 1 must not become effective with respect to any person who is licensed as an esthetician on the date on which those regulations otherwise become effective until 6 months after that date.

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

Delete existing sections 1 through 44 of this bill and replace with the following new sections 1 and 2:

Section 1. Chapter 644A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may adopt regulations to provide for classifications of licensing as an esthetician.

2. The regulations adopted by the Board pursuant to subsection 1 must include, without limitation, regulations establishing:

(a) The qualifications for the issuance of each classification of license, including, without limitation, the education and experience required for each classification of license;

(b) The qualifications for the renewal of each classification of license;

(c) The fees for the issuance and renewal of each classification of license; and

(d) The authorized scope of practice of each classification of license.

Sec. 2. Notwithstanding any provision of this act to the contrary, any regulations adopted pursuant to section 1 of this act must not become effective with respect to any person who is licensed as an esthetician on the date on which those regulations otherwise become effective until 6 months after that date.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 411 makes one change to Senate Bill No. 291. It deletes the bill as introduced and, instead, authorizes the State Board of Cosmetology to adopt regulations creating a new class of esthetician license in addition to the existing class of esthetician license.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 295.

Bill read second time.

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

Amendment No. 417.

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-996)

AN ACT relating to industrial insurance; prohibiting the termination or limitation of compensation paid to certain injured employees for a permanent

total disability on the basis that the injured employee earns income; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an injured employee is entitled to receive compensation for a permanent total disability only so long as the permanent total disability continues to exist. (NRS 616C.440) Existing law authorizes certain injured employees who are or were firefighters, arson investigators, police officers or emergency medical attendants and who are partially disabled from certain occupational diseases to elect to receive such compensation for a permanent total disability. (NRS 617.455, 617.457, 617.485, 617.487) Section 2 of this bill prohibits an insurer from halting or limiting the payment of compensation to such an injured employee for a permanent total disability on the basis that the injured employee earns income. Section 1 of this bill makes a conforming change to a reference to reflect a change in numbering made by section 2.

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

Section 1. NRS 616C.405 is hereby amended to read as follows:

616C.405 Except as otherwise provided in subsection ~~[4]~~ *5* of NRS 616C.440, an employee who is receiving compensation for:

1. A permanent total disability is not entitled to compensation for permanent partial disability during the period when the employee is receiving compensation for the permanent total disability.

2. A temporary total disability is not entitled to compensation for a permanent partial disability during the period of temporary total disability.

3. A temporary partial disability is not entitled to compensation for a permanent partial disability during the period of temporary partial disability.

Sec. 2. NRS 616C.440 is hereby amended to read as follows:

616C.440 1. Except as otherwise provided in this section and NRS 616C.175, every employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by accident arising out of and in the course of employment, or his or her dependents as defined in chapters 616A to 616D, inclusive, of NRS, is entitled to receive the following compensation for permanent total disability:

(a) In cases of total disability adjudged to be permanent, compensation per month of 66 2/3 percent of the average monthly wage.

(b) If there is a previous disability, as the loss of one eye, one hand, one foot or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury, but such a deduction for a previous award for permanent partial disability must be made in a reasonable manner and must not be more than the total amount which was paid for the previous award for permanent partial disability. The total amount of the

allowable deduction includes, without limitation, compensation for a permanent partial disability that was deducted from:

(1) Any compensation the employee received for a temporary total disability; or

(2) Any other compensation received by the employee.

(c) If the character of the injury is such as to render the employee so physically helpless as to require the service of a constant attendant, an additional allowance may be made so long as such requirements continue, but the allowance may not be made while the employee is receiving benefits for care in a hospital or facility for intermediate care pursuant to the provisions of NRS 616C.265.

2. Except as otherwise provided in NRS 616B.028 and 616B.029, an injured employee or his or her dependents are not entitled to accrue or be paid any benefits for a permanent total disability during the time the injured employee is incarcerated. The injured employee or his or her dependents are entitled to receive those benefits when the injured employee is released from incarceration if the injured employee is certified as permanently totally disabled by a physician or chiropractor.

3. An employee is entitled to receive compensation for a permanent total disability only so long as the permanent total disability continues to exist. The insurer has the burden of proving that the permanent total disability no longer exists.

4. ~~*[An]*~~ *If an injured employee has filed a claim with an insurer pursuant to NRS 617.455, 617.457, 617.485 or 617.487, the insurer may not terminate, suspend, withhold, offset, reduce or otherwise halt, restrict or limit the payment of compensation for a permanent total disability to* ~~*[an]*~~ *the injured employee or his or her dependents on the basis that the injured employee earns income.*

5. If an employee who has received compensation in a lump sum for a permanent partial disability pursuant to NRS 616C.495 is subsequently determined to be permanently and totally disabled, the insurer of the employee's employer shall recover pursuant to this subsection the actual amount of the lump sum paid to the employee for the permanent partial disability. The insurer shall not recover from the employee, whether by deductions or single payment, or a combination of both, more than the actual amount of the lump sum paid to the employee. To recover the actual amount of the lump sum, the insurer shall:

(a) Unless the employee submits a request described in paragraph (b), deduct from the compensation for the permanent total disability an amount that is not more than 10 percent of the rate of compensation for a permanent total disability until the actual amount of the lump sum paid to the employee for the permanent partial disability is recovered; or

(b) Upon the request of the employee, accept in a single payment from the employee an amount that is equal to the actual amount of the lump sum paid to the employee for the permanent partial disability, less the actual amount of

all deductions made to date by the insurer from the employee for repayment of the lump sum.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 417 makes one change to Senate Bill No. 295. It limits the application of the bill to only compensation paid to certain injured professionals, primarily firefighters, police officers, arson investigators and emergency-medical attendants, for a disability related to heart disease, lung disease and hepatitis.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 307.

Bill read second time.

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

Amendment No. 418.

SUMMARY—Revises provisions related to the sale of alcoholic beverages. (BDR 52-945)

AN ACT relating to alcoholic beverages; requiring a supplier of liquor to approve certain transactions related to the ownership or assets of a wholesaler within a certain period of time under certain circumstances; prohibiting certain acts by suppliers with respect to wholesalers of liquor; authorizing a person who operates a brew pub to manufacture additional malt beverages for sale outside of this State; revising the criteria for the approval of a license to engage in certain activities related to alcohol; revising provisions governing certificates of compliance for suppliers; revising provisions governing the possession, sale and transportation of liquor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various requirements concerning a franchise between a supplier and a wholesaler of malt beverages, distilled spirits and wines. (NRS 597.120-597.180) Existing law prohibits a supplier from unreasonably withholding or delaying approval of any assignment, sale or transfer of stock of a wholesaler or of all or any portion of a wholesaler's assets, a wholesaler's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling the wholesaler if the person to be substituted under the terms of the franchise meets certain reasonable standards. (NRS 597.157) Section 1 of this bill requires a supplier to approve any such transaction within 30 days after receiving notice of the transaction if the person to be substituted under the terms of the franchise meets certain reasonable standards.

~~[Existing law prohibits a supplier, if more than one franchise for the same brand of alcoholic beverage is granted to different wholesalers in this State, from discriminating between such wholesalers with respect to the terms, provisions and conditions of these franchises. (NRS 597.160) Section 2 of this~~

~~bill provides that pricing and freight charges are terms of a franchise with respect to which a supplier may not discriminate between such wholesalers.]~~

Section 3 of this bill prohibits a supplier from: (1) requiring a wholesaler to ~~[accept delivery]~~ keep a minimum inventory of ~~[an]~~ the alcoholic beverages of the supplier or any other item ~~[if doing so would result in the inventory of a wholesaler exceeding the amount of]~~ that exceeds the number of days of credit extended to the wholesaler by the supplier; (2) requiring a wholesaler to make payments under terms that are materially different from the payment terms applicable to payments made by the supplier; or (3) entering into an agreement with a wholesaler which purports to waive the rights and remedies of the wholesaler if the supplier retaliates against the wholesaler for reporting a violation of law to the Department of Taxation.

Existing law regulates the operation of brew pubs in this State, including limiting the amount of malt beverages which a person who operates one or more brew pubs is authorized to manufacture per year to not more than 40,000 barrels. (NRS 597.230) Section 4 of this bill authorizes a person who operates one or more brew pubs to manufacture and sell an additional 20,000 barrels of malt beverages to a wholesaler located outside of this State, subject to such auditing as the Department of Taxation establishes by regulation.

Existing law requires certain persons and businesses, including importers of liquor, wholesale dealers of alcoholic beverages, winemakers, instructional wine-making facilities, breweries, brew pubs and craft and estate distilleries to obtain a state license or permit to engage in certain activities involving alcoholic beverages. (NRS 369.180) Existing law further requires an application for a license for these persons or businesses to be made to the board of county commissioners or the governing body of the city in which the applicant maintains his or her principal place of business. (NRS 369.190) Section 5 of this bill requires the board of county commissioners or the governing body of a city, in approving such an application, to require satisfactory proof that the applicant is not in violation of the prohibition against engaging in certain activities involving alcoholic beverages without a license and that the applicant is not applying for a license for a business in which he or she is prohibited by law from engaging.

Section 6 of this bill revises terminology relating to applications for a certificate of compliance by suppliers of liquor by replacing the term "vendor" with "supplier."

Existing law prohibits a person from keeping or possessing for sale, furnishing or selling, or soliciting the purchase or sale of any liquor in this State, or transporting or importing or causing to be transported or imported any liquor in or into this State for delivery, storage, use or sale unless the person complies with the relevant provisions of law and holds the appropriate license, permit or certificate, except for certain limited exceptions for liquor purchased for household or personal use. (NRS 369.490) Section 7 of this bill additionally requires a person to be duly designated by the supplier of such liquor or to

have purchased the liquor from certain authorized sources. Section 7 also revises an existing exception from licensing requirements for consumers who import 1 gallon or less of alcoholic beverage per month for household or personal use to provide that the exception applies only if the person enters this State with such alcoholic beverage rather than importing it.

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

Section 1. NRS 597.157 is hereby amended to read as follows:

597.157 1. A supplier shall ~~[not unreasonably withhold or delay approval of]~~ *approve* any assignment, sale or transfer of the stock of a wholesaler or of all or any portion of a wholesaler's assets, a wholesaler's voting stock, the voting stock of any parent corporation or the beneficial ownership or control of any other entity owning or controlling the wholesaler, including the wholesaler's rights and obligations under the terms of a franchise, ~~[whenever a]~~ *within 30 days after receiving notice of the transaction if the* person to be substituted under the terms of the franchise meets reasonable standards imposed upon the wholesaler and any other wholesaler of the supplier of the same general class, after consideration of the size and location of the marketing area of the wholesaler.

2. Upon the death of a partner of a partnership that operates the business of a wholesaler, a supplier shall not unreasonably withhold or delay approval of maintaining the franchise between the supplier and each surviving partner.

3. Upon the death of any owner, controlling shareholder or operator of a wholesaler, a supplier shall not deny approval of any transfer of ownership to a surviving spouse, child or grandchild of the owner who has reached the age of majority at the time of death, controlling shareholder or operator. Any subsequent transfer of ownership by the spouse, child, grandchild, controlling shareholder or operator is subject to the provisions of subsection 1.

4. In addition to the provisions of NRS 597.170, a supplier who unreasonably delays or withholds consent *, fails to grant approval in the time set forth in subsection 1* or unreasonably denies approval of a sale, transfer or assignment of any ownership interest in a wholesaler is liable to the wholesaler for the laid-in costs of inventory of each affected brand of liquor and any diminution in the fair market value of the business of the wholesaler in relation to each affected brand. The damages recoverable pursuant to this section include, without limitation, all reasonable costs of bringing the action and attorney's fees. For the purpose of this subsection, the fair market value of a business of a wholesaler includes, without limitation, the good will of the business and its value as a going concern, if any.

5. The provisions of this section may not be modified by agreement. Any provision in an agreement is void if the provision includes such a modification.

Sec. 2. ~~[NRS 597.160 is hereby amended to read as follows:~~

~~597.160 1. Except as otherwise provided in subsection 4, if more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is~~

~~a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises [.] *, including, without limitation, with respect to pricing or freight charges.*~~

~~2. Except as otherwise provided in this subsection and notwithstanding the terms, provisions or conditions of any franchise, a supplier shall not unilaterally terminate or refuse to continue any franchise with a wholesaler or cause a wholesaler to resign from that franchise unless the supplier has first established good cause for that termination, noncontinuance or causing of that resignation. This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.~~

~~3. Except as otherwise provided in this subsection, a wholesaler may, within 60 days after he or she receives a notice required pursuant to NRS 597.155, correct any failure to comply with the terms, provisions and conditions of the franchise alleged by the supplier. This subsection does not apply to a supplier who sells less than 2,000 barrels of malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this State in any calendar year, or who operates a winery pursuant to NRS 597.240.~~

~~4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of alcoholic beverage in a marketing area.]~~ (Deleted by amendment.)

Sec. 3. NRS 597.162 is hereby amended to read as follows:

597.162 A supplier shall not:

1. Prohibit a wholesaler from selling an alcoholic beverage of any other supplier;

2. Prevent a wholesaler from using best efforts to sell, market, advertise or promote an alcoholic beverage of any other supplier;

3. Provide any reward or penalty to, or in any other way condition its relationship with, a wholesaler based upon the amount of sales the wholesaler makes of an alcoholic beverage of any other supplier;

4. Disapprove a wholesaler's selection of a general manager or successor general manager based on the wholesaler's sales, marketing, advertising, promotion or retail placement of an alcoholic beverage of any other supplier;

5. Require a wholesaler to report to the supplier any of the wholesaler's financial information associated with the purchase, sale or distribution of an alcoholic beverage of any other supplier;

6. Fix or maintain the price at which a wholesaler may resell an alcoholic beverage purchased from the supplier;

7. Require a wholesaler to pay to the supplier all or any portion of the difference in the suggested retail price of an alcoholic beverage and the actual price at which the wholesaler sells the alcoholic beverage;

8. Require a wholesaler to accept delivery of any alcoholic beverage or any other item that is not voluntarily ordered by the wholesaler ~~[or otherwise not required under the franchise between the supplier and wholesaler]~~ or is in violation of any levels of inventory that are mutually agreed upon in writing by the supplier and wholesaler;

9. *Require a wholesaler to ~~[accept delivery]~~ keep a minimum inventory of any alcoholic beverage of the supplier or any other item ~~[if accepting the delivery would result in the inventory of the wholesaler exceeding]~~ that exceeds the ~~[amount of]~~ number of days of credit extended to the wholesaler by the supplier;*

10. Prohibit or restrain, directly or indirectly, a wholesaler from participating in an organization that represents the interests of wholesalers for any lawful purpose;

~~[10.]~~ *11.* Discriminate against, penalize or otherwise retaliate against a wholesaler because the wholesaler raises, alleges or otherwise brings to the attention of the Department of Taxation an actual, potential or perceived violation of this chapter *or enter into an agreement with a wholesaler which purports to waive any right or remedy of the wholesaler pursuant to this subsection;* ~~[; or~~

~~11.]~~ *12.* Require a wholesaler to participate in or contribute to any advertising fund or promotional activity that:

(a) Is not used for advertising or a promotional activity in the marketing area of the wholesaler; or

(b) Requires a contribution by the wholesaler that exceeds any amount specified for that purpose in the franchise ~~[.]~~ *; or*

13. Require a wholesaler to make payments to the supplier under terms which are materially different from the payment terms applicable to the supplier when making payments to the wholesaler.

Sec. 4. NRS 597.230 is hereby amended to read as follows:

597.230 1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

➥ ~~[A]~~ *Except as otherwise provided in paragraph (e) of subsection 3, a* person who operates one or more brew pubs may not manufacture more than 40,000 barrels of malt beverages for all the brew pubs he or she operates in this State in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. Except as otherwise provided in subsection 4, a person who operates one or more brew pubs pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of one or more of the brew pubs and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and, for the purposes of the donation, transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(3) Transfer in bulk the malt beverages manufactured on the premises:

(I) To a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the malt beverages to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the malt beverages pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Manufacture and store malt beverages on the premises of one or more of the brew pubs and transport the malt beverages manufactured on the premises to a retailer, other than a person who operates a brew pub pursuant to this section, that holds a valid license pursuant to chapter 369 of NRS for the purpose of selling the malt beverages at a special event in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450. For the purposes of this paragraph, the person who operates one or more brew pubs shall not obtain more than 20 such special permits for the transportation of the malt beverages from the Department of Taxation pursuant to subsection 4 of NRS 369.450 within a calendar year.

(c) Sell at retail, not for resale, malt beverages manufactured on or off the premises of one or more of the brew pubs for consumption on the premises.

(d) Sell at retail, not for resale, in packages sealed on the premises of one or more of the brew pubs, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

(e) In a calendar year, in addition to the amount of malt beverages which may be manufactured pursuant to subsection 1, manufacture and sell ~~[not more than]~~ 20,000 barrels of malt beverages for all the brew pubs he or she operates in this State provided such barrels are sold to a wholesaler located outside of this State, subject to such periodic auditing as the Department of Taxation shall require by regulation.

4. The amount of malt beverages sold pursuant to paragraphs (b), (c) and (d) of subsection 3 must not exceed a total of 5,000 barrels in any calendar year. Of the 5,000 barrels, not more than 1,000 barrels may be sold in kegs.

Sec. 5. NRS 369.190 is hereby amended to read as follows:

369.190 1. An application for any of the licenses described in NRS 369.180 must be made to:

(a) The board of county commissioners of the county in which the applicant maintains his or her principal place of business if the applicant does not maintain his or her principal place of business within the boundaries of an incorporated city; or

(b) The governing body of the city in which the applicant maintains his or her principal place of business if the applicant maintains his or her principal place of business within the boundaries of an incorporated city.

2. Each application must:

(a) Be made on such form as the Department prescribes.

(b) Include the name and address of the applicant. If the applicant is:

(1) A partnership, the application must include the names and addresses of all partners.

(2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application must attach to the application:

(I) A certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

(II) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license under the provisions of this chapter.

(c) Specify the location, by street and number, of the premises for which the license is sought.

(d) Be accompanied by the annual license fee required for the particular license for which application is made.

3. The board of county commissioners or the governing body of a city, as applicable, shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is ~~[a]~~ *:*

(a) A person of good moral character ~~[,]~~ *;*

(b) Not acting in violation of NRS 369.180; and

(c) Not applying for a license for a business in which the applicant is prohibited from engaging pursuant to NRS 369.382.

Sec. 6. NRS 369.430 is hereby amended to read as follows:

369.430 1. By regulation, the Department shall prescribe the form of application for and the form of a certificate of compliance, which must be printed and distributed to exporters of liquor into this State to assist them in legally exporting liquor into this State.

2. An intending importer may not legally receive or accept any shipment of liquor except from a holder of a certificate of compliance.

3. Before a person may engage in business as a supplier ~~[,]~~ *of liquor in this State,* the person must obtain a certificate of compliance from the Department.

4. The Department shall grant a certificate of compliance to any out-of-state ~~[vendor of liquors]~~ *supplier* who undertakes in writing:

(a) To furnish the Department on or before the 10th day of each month a report under oath showing the quantity and type of liquor sold and shipped by the ~~[vendor]~~ *out-of-state supplier* to each licensed importer of liquor in Nevada during the preceding month;

(b) That the ~~[vendor]~~ *out-of-state supplier* and all his or her agents and any other agencies controlled by the ~~[vendor]~~ *out-of-state supplier* will comply faithfully with all laws of this State and all regulations of the Department respecting the exporting of liquor into this State;

(c) That the ~~[vendor]~~ *out-of-state supplier* will make available for inspection and copying by the Department any books, documents and records, whether within or outside this State, which are pertinent to his or her activities or the activities of his or her agents or any other agencies controlled by the ~~[vendor]~~ *out-of-state supplier* within this State and which relate to the sale and distribution of his or her liquors within this State; and

(d) That the ~~[vendor]~~ *out-of-state supplier* will appoint a resident of this State as his or her agent for service of process or any notice which may be issued by the Department.

5. If any holder of a certificate of compliance fails to keep any undertaking or condition made or imposed in connection therewith, the Department may suspend the certificate and conduct a hearing, giving the holder thereof a reasonable opportunity to appear and be heard on the question of vacating the suspension order or order finally revoking the certificate.

6. An applicant for a certificate of compliance must pay a fee of $50 to the Department for the certificate. On or before July 1 of each year, the certificate holder must renew the certificate by satisfying the conditions of the original certificate and paying a fee of $50 to the Department.

Sec. 7. NRS 369.490 is hereby amended to read as follows:

369.490 1. Except as otherwise provided in subsection 2 and NRS 369.176, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or

sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:

(a) Has complied fully with the provisions of this chapter; ~~[and]~~

(b) Holds an appropriate, valid license, permit or certificate issued by the Department ~~[.]~~ *; and*

(c) Has been duly designated by the supplier of that liquor pursuant to NRS 369.386 or purchased the liquor in compliance with NRS 369.486.

2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:

(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;

(b) ~~[Who imports]~~ *Entering this State with* 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;

(c) Who:

(1) Is a resident of this State;

(2) Is 21 years of age or older; and

(3) Imports 12 cases or less of wine per year for his or her own household or personal use; or

(d) Who is lawfully in possession of wine produced on the premises of an instructional wine-making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245.

3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.

4. A person who accepts liquor shipped into this State pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.

Sec. 8. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 418 makes three changes to Senate Bill No. 307. The amendment first deletes section 2, which prohibits a supplier from discriminating between wholesalers with respect to any of the conditions, provisions and terms of the franchises, including, without limitation, to pricing or freight charges. It then amends provisions of section 3 to prohibit a supplier from requiring a wholesaler to keep a minimum inventory of the supplier's alcoholic beverages or other items that exceeds the number of days' credit extended to the wholesaler by the supplier. Finally, it amends provisions of section 4 to clarify that the additional 20,000 barrels of malt beverages manufactured by a person who operates one or more brewpubs must be sold to a wholesaler located outside of this State.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 308.

Bill read second time.

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

Amendment No. 419.

SUMMARY—Provides for the establishment of a worksharing program. (BDR 53-716)

AN ACT relating to unemployment compensation; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish a worksharing program to provide for the payment of certain benefits to eligible employees whose usual weekly hours of work have been reduced in accordance with a worksharing plan; setting forth various requirements for the operation of the worksharing program; 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 federal law authorizes a state to use funds from the state's account in the Unemployment Trust Fund in the United States Treasury to pay benefits to eligible persons under a short-time compensation program that meets certain specified requirements. (26 U.S.C. § 3306(f), 3306(v)) Under a short-time compensation program, commonly referred to as a worksharing program, an employer reduces the hours for a group of employees rather than implementing layoffs. These employees in turn receive a reduced unemployment benefit payment in addition to the pay they receive for the hours they continue to work under the worksharing program. Section 11 of this bill requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish a worksharing program ~~[.]~~ , to the extent of available funding. Sections 2-21 of this bill set forth various requirements for the worksharing program.

Section 12 of this bill requires an employer who wishes to participate in the worksharing program to submit a worksharing plan to the Administrator for approval. Section 12 requires a worksharing plan to contain certain items, including the identification of each affected unit of employees to be covered by the worksharing plan and the percentage by which the usual hours of work for those employees will be reduced. Sections 12 and 13 of this bill require a worksharing employer who provides health and retirement benefits to employees covered under a worksharing plan to continue such benefits in generally the same manner as when the employees worked their usual weekly hours of work or to the same extent as employees not covered under the worksharing plan.

Section 14 of this bill sets forth certain requirements for the approval or disapproval of a worksharing plan by the Administrator. Section 15 of this bill sets forth certain requirements relating to the duration of an approved worksharing plan. Section 16 of this bill establishes the circumstances under

which the Administrator is authorized to revoke approval of a worksharing plan. Section 17 of this bill sets forth the process by which a worksharing employer is authorized to modify an approved worksharing plan. Section 18 of this bill establishes certain requirements for an employee in an affected unit under a worksharing plan to be eligible for worksharing benefits.

Section 19 of this bill prescribes the manner by which the weekly benefit amount for worksharing benefits is calculated. Under section 19, the weekly benefit amount for worksharing benefits is proportional to the reduction in hours for that employee under the worksharing plan. Section 19 also sets forth various requirements for determining the eligibility for and amount of worksharing benefits for a person who works for both a worksharing employer and another employer during a week covered by an approved worksharing plan.

Section 20 of this bill requires worksharing benefits to be treated in the same manner as regular unemployment compensation with respect to charges to the experience rating account of an employer and the determination of the amount of reimbursement in lieu of contributions due from an employer that elects to make reimbursement in lieu of contributions.

Existing law provides, under certain circumstances, for the provision of extended benefits to persons who are unemployed and have exhausted their regular unemployment compensation benefits. (NRS 612.377-612.3786) Section 21 of this bill provides that a person who has received all of the worksharing benefits or combined unemployment compensation and worksharing benefits for which the person is eligible may be eligible for extended benefits in accordance with the provisions of existing law governing the provision of extended benefits.

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 the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. *As used in sections 2 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections*.

Sec. 3. *"Affected unit" means a specified plant, department, shift or other definable unit that includes two or more employees to which an approved worksharing plan applies.*

Sec. 4. *"Health and retirement benefits" means health benefits and retirement benefits provided by an employer under a defined benefit plan, as defined in 26 U.S.C. § 414(j), or contributions under a defined contribution plan, as defined in 26 U.S.C. § 414(i), which are incidents of employment in addition to the cash remuneration earned.*

Sec. 5. *"Unemployment compensation" means the benefits payable under this chapter other than worksharing benefits, including, without limitation, any amounts payable pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.*

Sec. 6. *"Usual weekly hours of work" means the usual hours of work for full-time or regular part-time employees in an affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime.*

Sec. 7. *"Worksharing benefits" means the benefits payable to an employee in an affected unit under an approved worksharing plan, as distinguished from the benefits otherwise payable under the provisions of this chapter.*

Sec. 8. *"Worksharing employer" means an employer whose worksharing plan has been approved by the Administrator and is in effect.*

Sec. 9. *"Worksharing plan" means a plan submitted by an employer pursuant to section 12 of this act under which the employer requests the payment of worksharing benefits to employees in an affected unit of the employer to avert layoffs.*

Sec. 10. *"Worksharing program" means the program established by the Administrator pursuant to section 11 of this act.*

Sec. 11. *1. ~~[The]~~ To the extent of available funding, the Administrator shall establish and maintain a worksharing program for the purpose of authorizing the payment of worksharing benefits to eligible employees of an affected unit whose usual weekly hours of work have been reduced by a worksharing employer in accordance with a worksharing plan approved by the Administrator.*

2. The Administrator may adopt regulations as necessary to administer the worksharing program.

Sec. 12. *An employer who wishes to participate in the worksharing program must submit a worksharing plan to the Administrator for approval. Such a plan must be submitted in the form and manner prescribed by the Administrator and include, without limitation:*

1. An identification of each affected unit covered by the worksharing plan and the following information concerning each affected unit:

(a) The number of full-time and part-time employees in the affected unit;

(b) The percentage of employees in the affected unit covered by the worksharing plan; and

(c) Identifying information regarding each employee in the affected unit, including, without limitation:

(1) The name and social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of each such employee; and

(2) Any other identifying information the Administrator deems necessary.

2. A description of how the employer will notify employees in the affected unit of the worksharing plan in advance, including, without limitation, how the employer will notify employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice to workers in the affected unit,

the employer shall include an explanation of why it is not feasible to provide such notice.

3. An identification of the usual weekly hours of work for employees in the affected unit and the specific percentage by which such hours will be reduced during all weeks covered by the worksharing plan, which must be a reduction of not less than 10 percent and not more than 60 percent. If the worksharing plan includes any week for which the employer regularly provides no work due to a holiday or other plant closing, the employer must identify each such week.

4. A certification by the employer that if the employer provides health and retirement benefits to any employee whose usual weekly hours of work are reduced under the worksharing plan, such benefits will continue to be provided to the employee under the same terms and conditions as when the employee worked his or her usual weekly hours of work or to the same extent as other employees who are not covered by the worksharing plan.

5. A certification by the employer that the aggregate reduction in work hours is in lieu of temporary or permanent layoffs, or both.

6. An estimate of the number of employees who would have been laid off in the absence of the worksharing plan.

7. A certification by the employer that the participation in the worksharing plan is consistent with the obligations of the employer under state and federal law.

8. If any employee in an affected unit is covered by a collective bargaining agreement, the written approval of the bargaining agent designated in the agreement.

9. The effective date and duration of the worksharing plan, which must expire not later than the end of the 12th full calendar month after the effective date.

10. An agreement by the employer to:

(a) Furnish reports to the Administrator relating to the proper implementation of the worksharing plan;

(b) Allow the Administrator or his or her designated representative access to all records necessary to approve or disapprove the worksharing plan and, after approval of a worksharing plan, to monitor and evaluate the plan; and

(c) Follow any other directives the Administrator deems necessary to implement the worksharing plan that are consistent with the requirements for a worksharing plan.

11. Any other provision added to the worksharing plan by the Administrator that the Secretary of Labor determines to be appropriate for a worksharing plan.

Sec. 13. *1. If a worksharing employer provides health and retirement benefits to an employee under a defined benefit plan, the hours that are reduced under the worksharing plan must be credited for purposes of participation, vesting and accrual of benefits as though the usual weekly hours of work of the employee had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of*

compensation may be less due to the reduction in the compensation of the employee.

2. A reduction in health and retirement benefits scheduled to occur during the duration of a worksharing plan that is equally applicable to employees who are not participating in the worksharing plan and to employees who are participating in the worksharing plan does not violate the certification made by the worksharing employer pursuant to subsection 4 of section 12 of this act.

Sec. 14. *1. The Administrator shall approve or disapprove a worksharing plan not later than 15 days after its receipt and promptly give written notice of the approval or disapproval to the employer who submitted the worksharing plan.*

2. The Administrator shall not approve a worksharing plan if:

(a) The reserve ratio of the employer who submitted the plan is negative as of the most recent computation date; or

(b) The worksharing plan serves as a subsidy of seasonal employment during the off-season or as a subsidy of temporary part-time or intermittent employment.

3. The disapproval of a worksharing plan is final, but the employer may submit another worksharing plan for approval not earlier than 7 days after the date of the disapproval.

4. As used in this section, "computation date" and "reserve ratio" have the meanings ascribed to them in NRS 612.550.

Sec. 15. *1. A worksharing plan becomes effective on the date that is mutually agreed upon by the employer and the Administrator, which must be specified in the notice of approval given to the employer pursuant to section 14 of this act. The worksharing plan expires on the date specified in the notice of approval, which must be either the date at the end of the 12th full calendar month after its effective date or an earlier date mutually agreed upon by the employer and the Administrator.*

2. If approval of a worksharing plan is revoked by the Administrator pursuant to section 16 of this act, the worksharing plan terminates on the date specified in the revocation order issued by the Administrator.

3. A worksharing employer may terminate a worksharing plan at any time upon written notice to the Administrator. Upon receipt of such notice from the worksharing employer, the Administrator shall promptly notify each employee in the affected unit of the termination date.

4. An employer may submit a new application to participate in another worksharing plan at any time after the expiration or termination date of a worksharing plan.

Sec. 16. *1. The Administrator may revoke approval of a worksharing plan for good cause at any time.*

2. If the Administrator revokes approval of a worksharing plan, the Administrator shall issue a revocation order in writing that specifies the reasons for the revocation and the date the revocation is effective.

3. The Administrator may periodically review the operation of each worksharing plan to ensure that no good cause exists for revocation of approval of the worksharing plan.

4. Good cause for revocation of approval of a worksharing plan pursuant to this section includes, without limitation:

(a) The request of any employees in the affected unit to revoke approval of the worksharing plan;

(b) Failure of the worksharing employer to comply with the assurances given by the employer in the worksharing plan;

(c) Unreasonable revision of productivity standards for the affected unit;

(d) Conduct or occurrences tending to defeat the intent and effective operation of the worksharing plan; and

(e) Violation of any criteria on which approval of the worksharing plan was based.

Sec. 17. *1. A worksharing employer may request a modification of an approved worksharing plan by filing a written request with the Administrator. The request must identify the specific provisions proposed to be modified and provide an explanation of why the proposed modification is appropriate for the worksharing plan. The Administrator shall approve or disapprove the proposed modification in writing not more than 15 days after receipt and promptly communicate the decision to the worksharing employer.*

2. The Administrator may approve a request for modification based on conditions that have changed since the worksharing plan was approved if the modification is consistent with and supports the purposes for which the worksharing plan was initially approved. A modification does not extend the expiration date of the original worksharing plan and the Administrator must promptly notify the worksharing employer whether the proposed modification has been approved and, if approved, the effective date of the modification.

3. A worksharing employer is not required to request approval of the Administrator for a modification of a worksharing plan if the change is not substantial, but the employer shall report every change to the worksharing plan to the Administrator promptly and in writing. The Administrator may terminate the worksharing plan of a worksharing employer who fails to report such changes. If the Administrator determines that the reported change is substantial, the Administrator shall require the worksharing employer to request a modification of the worksharing plan.

Sec. 18. *A person is eligible to receive worksharing benefits with respect to any week only if the person is monetarily eligible for unemployment compensation, not otherwise disqualified for unemployment compensation and:*

1. During the week, the person is employed as a member of an affected unit under an approved worksharing plan, which was approved before that week, and the worksharing plan is in effect during the week for which worksharing benefits are claimed.

2. Notwithstanding any provision of this chapter relating to availability for work or actively seeking work, the person is available to work the usual hours of work for the worksharing employer, which may include, for the purposes of this section, participating in training to enhance job skills that is approved by the Administrator, including, without limitation, employer sponsored training or training funded under the federal Workforce Innovation and Opportunity Act, 29 U.S.C. §§ 3101 et seq.

3. Notwithstanding any other provision of law, a person covered by a worksharing plan is deemed unemployed in any week during the duration of such worksharing plan if the remuneration of the person as an employee in an affected unit is reduced based on a reduction of the person's usual weekly hours of work under an approved worksharing plan.

Sec. 19. *1. The weekly benefit amount for worksharing benefits must be the product of the weekly benefit amount for regular unemployment compensation for a week of total unemployment multiplied by the percentage of the reduction in the person's usual weekly hours of work.*

2. A person may be eligible for worksharing benefits or unemployment compensation, as appropriate, except that a person shall not be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation, nor shall a person be paid worksharing benefits for more than 52 weeks under a worksharing plan.

3. The worksharing benefits paid to a person shall be deducted from the maximum entitlement amount of regular unemployment compensation established for the benefit year of the person.

4. The provisions of this chapter applicable to claimants for unemployment compensation also apply to claimants for worksharing benefits to the extent that they are not inconsistent with the provisions of sections 2 to 21, inclusive, of this act. A person who files an initial claim for worksharing benefits shall receive a monetary determination.

5. For a person who works for both a worksharing employer and another employer during weeks covered by an approved worksharing plan:

(a) If the combined hours of work in a week for both employers results in a reduction of less than 10 percent of the usual weekly hours of work with the worksharing employer, the person shall not be entitled to worksharing benefits.

(b) If the combined hours of work for both employers results in a reduction equal to or more than 10 percent of the usual weekly hours of work with the worksharing employer, the amount of worksharing benefits must be reduced for that week and must be determined by multiplying the weekly benefit amount for regular unemployment compensation for a week of total unemployment by the percentage by which the combined hours of work have been reduced relative to the usual weekly hours of work of the person. A week for which benefits are paid under this paragraph must be reported as a week of worksharing.

(c) If a person worked the reduced percentage of the usual weekly hours of work for the worksharing employer, was available for all of the person's usual weekly hours of work with the worksharing employer and did not work any hours for the other employer, either because of a lack of work with the other employer or because the person was excused from work with the other employer, the person shall be eligible for worksharing benefits for that week. The benefit amount for such week must be calculated as provided in subsection 1.

6. A person who is not provided any work during a week by a worksharing employer or any other employer, and who is otherwise eligible for unemployment compensation, shall be eligible for the amount of unemployment compensation to which the person would otherwise be eligible.

7. A person who is not provided any work by a worksharing employer during a week but who works for another employer and is otherwise eligible may be paid unemployment compensation for that week subject to the disqualifying income and other provisions applicable to claims for regular unemployment compensation.

Sec. 20. *Worksharing benefits must be charged to the employer's experience rating account in the same manner as unemployment compensation is charged pursuant to this chapter. Employers liable for payments by way of reimbursement in lieu of contributions shall have worksharing benefits attributed to service in their employ in the same manner as unemployment compensation is attributed.*

Sec. 21. *1. A person who has received all the worksharing benefits or combined unemployment compensation and worksharing benefits for which the person is eligible is an exhaustee and may be eligible to receive extended benefits in accordance with the provisions of NRS 612.377 to 612.3786, inclusive.*

2. As used in this section, the terms "exhaustee" and "extended benefits" have the meanings ascribed to them in NRS 612.377.

Sec. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 21, 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, 2022, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 419 makes several changes to Senate Bill No. 308. The amendment: provides that the requirement to establish and maintain a work-sharing program is effective only to the extent that funding is available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 234.

SUMMARY—Makes an appropriation to the Nevada System of Higher Education and requires the disbursement of certain federal money in certain circumstances to enable the College of Southern Nevada to assist and carry out the NV Grow Program. (BDR S-570)

AN ACT relating to state financial administration; making an appropriation to the Nevada System of Higher Education and requiring the disbursement of certain federal money in certain circumstances to enable the College of Southern Nevada to assist and carry out the NV Grow Program; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $400,000 to allow the College of Southern Nevada to:

(a) Provide or obtain such services as may be necessary to assist and carry out the Program;

(b) Employ a geographic information specialist to assist small businesses who participate in the Program;

(c) Employ the lead counselor selected pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666;

(d) Provide stipends for the counselors and members of the faculty of the Nevada System of Higher Education who provide services in connection with the Program; and

(e) Make direct program expenditures to assist and carry out the Program, including, without limitation, expenditures for data software, marketing tools, interns, field trips and grants to members of the stakeholders group to assist and carry out the Program.

2. All money appropriated by the provisions of this section must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including any indirect costs incurred by any institution of the Nevada System of Higher Education, including, without limitation, the College of Southern Nevada.

3. As used in this section, "Program" means the NV Grow Program created pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from

the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 3. Any remaining balance of money received by the Division of Workforce and Economic Development of the College of Southern Nevada from any gifts, grants or donations accepted by the Division pursuant to section 4.5 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3669, that has not been committed for expenditure before July 1, 2021, must be transferred to an account in the State General Fund administered by the College of Southern Nevada for the purposes of carrying out the provisions of the NV Grow Act.

Sec. 4. 1. If the State of Nevada receives from the Federal Government before, on or after July 1, 2021, money that the State of Nevada is authorized to use to assist small businesses impacted by the COVID-19 pandemic, the Chief of the Budget Division of the Office of Finance in the Office of the Governor created by NRS 223.400 shall disburse $200,000 of that money in accordance with the provisions of chapter 353 of NRS to an account in the State General Fund administered by the College of Southern Nevada for the purposes of carrying out the provisions of the NV Grow Act to make direct program expenditures to implement as part of the Program an incubator program to assist small businesses in this State who have altered or who intend to alter their business models. The incubator program must:

(a) Provide coaching, mentoring, analysis, instruction and advice;

(b) Assist in the development of physical and digital infrastructure for the operation of a business;

(c) Assist businesses to secure professional services, including, without limitation, legal and accounting services;

(d) Facilitate communication and develop connections with the general business community, including, without limitation, for the purpose of securing capital or additional business partners; and

(e) To the extent practicable, coordinate with the stakeholders group to offer support for setting up a business, including, without limitation, obtaining a business license, securing physical working spaces, performing concept and market testing and providing assistance with manufactured products, software and technology.

2. As used in this section:

(a) "Program" means the NV Grow Program created pursuant to section 2 of the NV Grow Act, chapter 459, Statutes of Nevada 2015, as last amended by chapter 570, Statutes of Nevada 2019, at page 3666.

(b) "Stakeholders group" means a group of persons interested in economic development in this State selected by the Division of Workforce and Economic Development of the College of Southern Nevada, including, without

limitation, a representative of the College of Southern Nevada, the University of Nevada, Las Vegas, the Urban Chamber of Commerce of Las Vegas, the Las Vegas Latin Chamber of Commerce, the Henderson Chamber of Commerce, the Asian Community Development Council, the Valley Center Opportunity Zone, the University of Nevada Cooperative Extension in Clark County, Clark County and incorporated cities in Clark County and various entities affiliated with the Small Business Administration.

~~[Sec. 4.]~~ *Sec. 5.* This act becomes effective on July 1, 2021.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 234 to Senate Bill No. 310 provides for the distribution of $200,000 to the Nevada Grow program to establish an incubator program if the State of Nevada receives federal funds on or before July 1, 2021. These funds would be authorized for use to assist small businesses impacted by the COVID-19 pandemic. The amendment specifies the incubator program is required to assist small businesses in this State that have altered, or intend to alter, their business models. It sets forth the requirements for the program which include providing coaching, mentoring, analysis, instruction and advice. It will assist in the development of physical or digital infrastructure for the operation of the business and assist businesses to secure professional services. It will facilitate communication and developing connections with the general business community and, to the extent practicable, coordinate with the stakeholders group as defined in the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

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

Amendment No. 405.

SUMMARY—Provides for the regulation of high-volume marketplace sellers. (BDR 52-657)

AN ACT relating to trade practices; providing that failing to provide or disclose certain information relating to online marketplaces is a deceptive trade practice; requiring a high-volume marketplace seller to provide certain identifying information to an online marketplace; requiring the online marketplace to verify such identifying information; requiring the online marketplace to disclose certain information regarding the high-volume marketplace dealer; authorizing an online marketplace to issue a partial disclosure of certain information; prohibiting local governments from implementing certain requirements on online marketplaces and high-volume marketplace sellers; authorizing the Commissioner of Consumer Affairs to adopt regulations relating to high-volume marketplace sellers; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that engaging in certain acts constitutes a deceptive trade practice, including contriving, preparing, setting up, proposing, operating, advertising or promoting a pyramid scheme and violating certain

requirements relating to charitable solicitations, sales promotions, door-to-door sales and grant writing services. (NRS 598.110, 598.1305, 598.139, 598.2801, 598.595) Existing law authorizes the Attorney General, the Commissioner of Consumer Affairs and the Director of the Department of Business and Industry to investigate an allegation of a deceptive trade practice and authorizes the Attorney General to prosecute deceptive trade practices on behalf of the Commissioner or the Director, which may include criminal prosecution or the imposition of certain civil penalties. (NRS 598.0903-598.0999) Sections 2 and 16 of this bill provide that knowingly violating any of the provisions of sections 3-16 of this bill relating to high-volume marketplace sellers providing certain information to online marketplaces and the disclosure of certain other information by an online marketplace constitutes a deceptive trade practice. Section 15 of this bill authorizes a person to file a complaint with the Attorney General, the Commissioner or the Director relating to a suspected violation of the provisions of sections 3-16 relating to certain sellers providing and disclosing certain information relating to online marketplaces. Sections 17-29 of this bill make conforming changes by indicating the placement of section 2 in the Nevada Revised Statutes. Specifically, section 18 of this bill provides that the deceptive trade practice described in section 2 is in addition to and does not limit the types of unfair trade practices actionable at common law or defined as such in statute. Section 19 of this bill provides that the deceptive trade practice described in section 2 does not apply to certain situations and persons. Section 20 of this bill authorizes the Attorney General to institute criminal proceedings to enforce the provisions of section 2. Section 21 of this bill authorizes the Commissioner and Director to issue subpoenas, conduct hearings and adopt regulations to administer the provisions of section 2. Section 22 of this bill provides that certain orders of enforcement may be issued by the Commissioner and Director against a person who has engaged in a deceptive trade practice described in section 2. Sections 23-25 of this bill authorize a district attorney to seek injunctive relief, provide for the relief of injured persons and provide certain civil and criminal penalties in response to a person engaging in a deceptive trade practice described in section 2.

Section 10 of this bill requires an online marketplace to require a high-volume marketplace seller to provide certain types of identifying information to the online marketplace within ~~[24 hours]~~ 3 business days after the marketplace seller becomes a high-volume marketplace seller. Section 10 requires the online marketplace to notify each high-volume marketplace seller not less than once each year that the high-volume marketplace seller is required to inform the online marketplace if any identifying information has changed within a certain period of time. Additionally, except for certain government records and tax documents, section 10 requires the online marketplace to verify the identifying information. Finally, section 10 provides that any of the identifying information provided by a high-volume marketplace seller to an online marketplace is confidential.

Section 11 of this bill requires an online marketplace to obtain additional identifying information from high-volume marketplace sellers and disclose this information on the listing of the consumer product that is offered for sale by the high-volume marketplace seller. Section 11 authorizes the online marketplace to make a partial disclosure in certain circumstances involving business addresses and business telephone numbers and the lack thereof. Section 11 additionally requires the online marketplace to revoke a partial disclosure in certain circumstances. In addition to such disclosures, section 12 requires an online marketplace to disclose to a consumer the identity of a high-volume marketplace seller that fulfills an order if the high-volume marketplace seller is different from the seller that is listed on the consumer product listing.

Section 13 of this bill prohibits a county, city, local government or other political subdivision of this State or agency thereof from implementing any requirement on an online marketplace or high-volume marketplace that is not identical to the provisions listed in sections 3-16.

Section 14 of this bill authorizes the Commissioner to adopt such regulations as the Commissioner determines necessary to carry out the intent of sections 3-16.

Section 15.5 of this bill provides that the provisions of sections 3-16 do not establish a private right of action against a marketplace seller, a high-volume marketplace seller or an online marketplace.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *A person engages in a "deceptive trade practice" when, in the course of his or her business or occupation, he or she knowingly violates a provision of sections 3 to 16, inclusive, of this act.*

Sec. 3. *As used in sections 3 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *1. "Consumer product" means any tangible personal property which is distributed through commerce and which is normally used for personal, family or household purposes.*

2. The term includes, without limitation, any tangible personal property that is intended to be attached to or installed in any real property without regard to whether it is so attached or installed.

Sec. 5. *"Contact information" includes, without limitation:*

1. The address of the person;

2. The telephone number of the person; and

3. An electronic mail address of the person.

Sec. 6. *"High-volume marketplace seller" means a marketplace seller who, in any continuous 12-month period during the previous 24 months, makes or enters into 200 or more separate retail sales transactions of new or unused*

consumer products that result in the cumulative gross receipts from the retail sales transactions exceeding ~~[$5,000.]~~ $7,500.

Sec. 7. *1. "Marketplace seller" means a person who:*

(a) Is independent of an operator, facilitator or owner of an online marketplace; and

(b) Sells, offers to sell or contracts to sell a consumer product or who makes a retail sales transaction of a consumer product in this State through any online marketplace.

2. The term does not include any person who:

(a) Is a business entity that has made available to the general public the name, address and contact information of the business entity;

(b) Has a contractual relationship with the owner of the online marketplace that is ongoing in which the person provides for the manufacturing, distribution, wholesaling or fulfillment of shipments of consumer products; and

(c) Has provided to the online marketplace the information described in paragraph (a).

Sec. 8. *"Online marketplace" means any electronic marketplace or electronically based or accessed platform that:*

1. Includes, without limitation, features that allow for, facilitate or enable marketplace sellers to engage in the sale, purchase, payment, storage, shipping or delivery of a consumer product in this State; and

2. Hosts one or more marketplace sellers.

Sec. 9. *"Verify" means to confirm the information provided to an online marketplace pursuant to sections 3 to 16, inclusive, of this act by using:*

1. An identity verification system that has the capability to confirm the name, address and contact information of the marketplace seller; or

2. A combination of two-factor authentication methods, public records searches and the presentation of a government-issued identification of the marketplace seller.

Sec. 10. *1. An online marketplace shall require any high-volume marketplace seller on the online marketplace to provide the online marketplace with the following information within ~~[24 hours]~~ 3 business days after the marketplace seller becomes a high-volume marketplace seller:*

(a) Except as otherwise provided in paragraph (b), the bank account information for the high-volume marketplace seller, the accuracy of which has been confirmed directly by the online marketplace or by a payment processor or other third party that is contracted by the online marketplace. The high-volume marketplace seller may provide the bank account information to:

(1) The online marketplace; or

(2) A payment processor or other third party that is contracted by the online marketplace to maintain such information. The online marketplace may obtain such information upon request from the payment processor or other third party.

(b) If the high-volume marketplace seller does not have a bank account and cannot provide the information required pursuant to paragraph (a), the name of the payee for payments issued by the online marketplace to the high-volume marketplace seller. The high-volume marketplace seller may provide the payee information to:

(1) The online marketplace; or

(2) A payment processor or other third party that is contracted by the online marketplace to maintain such information. The online marketplace may obtain such information upon request from the payment processor or other third party.

(c) The contact information for the high-volume marketplace seller, including, without limitation:

(1) If the high-volume marketplace seller is an natural person, a copy of a valid photo identification for the natural person that includes the name and address of the natural person.

(2) If the high-volume marketplace seller is not a natural person:

(I) A copy of a valid photo identification for a natural person acting on behalf of the high-volume marketplace seller that includes the name and address of the natural person; or

(II) A copy of a record issued by the Federal Government or by the District of Columbia or any other state or territory of the United States or a tax document that includes the business name of the high-volume marketplace seller and the business address of the high-volume marketplace seller.

(d) The tax identification number of the high-volume marketplace seller.

(e) Information on whether the high-volume marketplace seller is:

(1) Exclusively advertising or offering consumer products on the online marketplace; or

(2) Actively advertising or offering consumer products on any other online marketplace or Internet website.

2. Not less than once each year, the online marketplace shall notify each high-volume marketplace seller that the high-volume marketplace seller shall:

(a) Inform the online marketplace of any changes to the information provided pursuant to subsection 1 within 3 business days after receiving the notification from the online marketplace; and

(b) Electronically certify:

(1) If there are not any changes to the information provided pursuant to subsection 1, that the information provided pursuant to subsection 1 has not changed; or

(2) If there are any changes to the information provided pursuant to subsection 1, that the high-volume marketplace seller is providing the changed information.

➥ *If a high-volume marketplace seller has not provided the electronic certification pursuant to paragraph (b) or, if applicable, has not provided the changed information within 3 business days after receiving the notification from the online marketplace, the online marketplace shall suspend the*

participation of the high-volume marketplace seller on the online marketplace until the high-volume marketplace seller provides the electronic certification pursuant to paragraph (b) or, if applicable, provides the changed information and the online marketplace verifies the changed information pursuant to subsection 3.

3. Except as otherwise provided in subsection 4, the online marketplace shall verify:

(a) The information provided pursuant to subsection 1 within 3 business days after receiving the information; and

(b) The changed information provided pursuant to subsection 2 within 3 business days after receiving the changed information.

4. If a high-volume marketplace seller provides a copy of a record issued by the Federal Government or by the District of Columbia or any other state or territory of the United States or provides a tax document, the online marketplace shall presume the information contained in such a record or document to be verified as of the date of issuance of the record or document.

5. Any information provided by a high-volume marketplace seller to an online marketplace pursuant to subsection 1 is confidential and must be kept by the online marketplace for the sole purpose of maintaining records on the high-volume marketplace seller.

Sec. 11. *1. An online marketplace shall require any high-volume marketplace seller on the online marketplace to provide the online marketplace with the following information within ~~[24 hours]~~ 3 business days after the marketplace seller becomes a high-volume marketplace seller:*

(a) The name of the high-volume marketplace seller;

(b) The address of the high-volume marketplace seller;

(c) The contact information of the high-volume marketplace seller, which may include, without limitation, an electronic mail address provided by the online marketplace to the high-volume marketplace seller;

(d) Whether the high-volume marketplace seller also engages in the manufacturing, importing or reselling of consumer products; and

(e) Any other information determined to be necessary by the online marketplace to address circumvention or evasion of the requirements of sections 3 to 16, inclusive, of this act, provided that the additional information is limited to what is necessary to address the circumvention or evasion.

2. Except as otherwise provided in subsection 3, the online marketplace shall disclose to consumers on the listing of the consumer product that is offered for sale by the high-volume marketplace seller:

(a) The name of the high-volume marketplace seller.

(b) The information described in paragraphs (b) to (e), inclusive, of subsection 1. The online marketplace may disclose the information by use of an Internet link on the listing of the consumer product.

(c) A reporting mechanism that allows a consumer to report to the online marketplace electronically and by use of a telephone any suspicious activity conducted by the high-volume marketplace seller.

(d) A message encouraging consumers to report to the online marketplace any suspicious activity conducted by the high-volume marketplace seller.

3. Upon request from a high-volume marketplace seller, an online marketplace may allow for a partial disclosure of the information required pursuant to paragraphs (a) to (d), inclusive, of subsection 1 if the high-volume marketplace seller demonstrates to the online marketplace that the high-volume marketplace seller:

(a) Does not have a business address and only has a residential address. If the online marketplace decides to allow a partial disclosure due to the lack of a business address, the online marketplace shall disclose to consumers on the listing of the consumer product that is offered for sale by the high-volume marketplace seller in the manner described in subsection 2:

(1) The country and, if applicable, the district, state or territory in which the high-volume marketplace seller resides; and

(2) That there is no business address available for the high-volume marketplace seller and that inquiries by the consumer should be submitted to the high-volume marketplace seller by use of the telephone number or electronic mail address of the high-volume marketplace seller.

(b) Is a business that has an address solely for the return of consumer products. If the online marketplace decides to allow a partial disclosure due to the lack of a business address, the online marketplace shall disclose to consumers on the listing of the consumer product that is offered for sale by the high-volume marketplace seller the address of the high-volume marketplace seller for the return of consumer products.

(c) Does not have a business telephone number and only has a personal telephone number. If the online marketplace decides to allow a partial disclosure due to the lack of a business telephone number, the online marketplace shall disclose to consumers on the listing of the consumer product that is offered for sale by the high-volume marketplace seller in the manner described in subsection 2 that there is no business telephone number available for the high-volume marketplace seller and that inquiries by the consumer should be submitted to the high-volume marketplace seller by use of the business address or electronic mail address of the high-volume marketplace seller.

4. If a high-volume marketplace seller makes a false representation to the online marketplace to justify the provision of a partial disclosure pursuant to subsection 3 or if a high-volume marketplace seller who has requested a partial disclosure pursuant to subsection 3 but has not provided answers to inquiries by a consumer that are submitted to the high-volume marketplace seller by use of the business address, telephone number or electronic mail address of the high-volume marketplace seller, as applicable, within a reasonable amount of time, the online marketplace shall:

(a) Withdraw the partial disclosure; and

(b) Notify the high-volume marketplace seller of the withdrawal; and

(c) Within 3 business days after providing the notice pursuant to paragraph (b), disclose the information described in subsection 2 to consumers on the listing of the consumer product that is offered for sale by the high-volume marketplace seller in the manner described in subsection 2.

Sec. 12. *In addition to the information listed in section 11 of this act that is required to be disclosed or partially disclosed, an online marketplace that warehouses, distributes or otherwise fulfills an order for a consumer product shall disclose to the consumer the identification of any high-volume marketplace seller that supplies the consumer product if such a high-volume marketplace seller is different from what is listed as the seller on the listing of the consumer product.*

Sec. 13. *A county, city, local government or other political subdivision of this State or agency thereof may not establish or continue any requirement on an online marketplace or high-volume marketplace seller that is not identical to the provisions set forth in sections 3 to 16, inclusive, of this act.*

Sec. 14. *The Commissioner may adopt such regulations as the Commissioner determines necessary to carry out the intent of sections 3 to 16, inclusive, of this act.*

Sec. 15. *A person may file a complaint with the Attorney General, the Commissioner of Consumer Affairs or the Director of the Department of Business and Industry relating to a suspected violation of sections 3 to 16, inclusive, of this act.*

Sec. 15.5. *The provisions of sections 3 to 16, inclusive, of this act do not establish a private right of action against a marketplace seller, a high-volume marketplace seller or an online marketplace.*

Sec. 16. *A person who knowingly violates a provision of sections 3 to 16, inclusive, of this act has engaged in a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, and section 2 of this act.*

Sec. 17. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 18. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, *and section 2 of this act* are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 19. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act* do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act* do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ *, and section 2 of this act.*

Sec. 20. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ *, and section 2 of this act.* The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 21. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act* may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~.~~ *, and section 2 of this act.* Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to

598.0999, inclusive, *and section 2 of this act* to particular persons or circumstances.

2. Except as otherwise provided in this subsection, service of any notice or subpoena must be made by certified mail with return receipt or as otherwise allowed by law. An employee of the Consumer Affairs Division of the Department of Business and Industry may personally serve a subpoena issued pursuant to this section.

Sec. 22. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act,* the Commissioner may issue an order directed to the person to show cause why the Director should not order the person to cease and desist from engaging in the practice and to pay an administrative fine. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. An administrative hearing on any action brought by the Commissioner must be conducted before the Director or his or her designee.

3. If, after conducting a hearing pursuant to the provisions of subsection 2, the Director or his or her designee determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Director or his or her designee shall issue an order setting forth his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Director or his or her designee determines in the report that such a violation has occurred, he or she may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Director or his or her designee free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[;]~~ *, and section 2 of this act;*

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation; and

(d) Impose an administrative fine of $1,000 or treble the amount of restitution ordered, whichever is greater.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

4. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 3 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

5. If a person fails to comply with any provision of an order issued pursuant to subsection 3, the Commissioner or the Director may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

6. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Director or his or her designee concerning the written report and any order issued pursuant to subsection 3 are in the interest of the public; and

(c) The findings of the Director or his or her designee are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Director or his or her designee.

7. An order issued pursuant to subsection 6 may include:

(a) A provision requiring the payment to the Consumer Affairs Division of the Department of Business and Industry of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Director's or designee's order;

(b) An order that the person cease doing business within this State; and

(c) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

8. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

9. Upon the violation of any judgment, order or decree issued pursuant to subsection 6 or 7, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 23. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act,* whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he or she may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 24. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to

NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act,* but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 25. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act,* upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ *, and section 2 of this act.*

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act,* if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act,* 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966,

inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 26. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 2 of this act*, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares,

merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 27. ~~[NRS 41.600 is hereby amended to read as follows:~~

~~41.600 1. An action may be brought by any person who is a victim of consumer fraud.~~

~~2. As used in this section, "consumer fraud" means:~~

~~(a) An unlawful act as defined in NRS 119.330;~~

~~(b) An unlawful act as defined in NRS 205.2747;~~

~~(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;~~

~~(d) An act prohibited by NRS 482.351; or~~

~~(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive [.] *, and section 2 of this act.*~~

~~3. If the claimant is the prevailing party, the court shall award the claimant:~~

~~(a) Any damages that the claimant has sustained;~~

~~(b) Any equitable relief that the court deems appropriate; and~~

~~(c) The claimant's costs in the action and reasonable attorney's fees.~~

~~4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.]~~ (Deleted by amendment.)

Sec. 28. NRS 482.554 is hereby amended to read as follows:

482.554 1. The Department may impose an administrative fine of not more than $10,000 against any person who engages in a deceptive trade practice. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. For the purposes of this section, a person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his or her business or occupation, the person:

(a) Enters into a contract for the sale of a vehicle on credit with a customer, exercises a valid option to cancel the vehicle sale and then, after the customer returns the vehicle with no damage other than reasonable wear and tear, the seller:

(1) Fails to return any down payment or other consideration in full, including, returning a vehicle accepted in trade;

(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the vehicle on less favorable terms; or

(3) Fails to use the disclosure as required in subsection 3.

(b) Uses a contract for the sale of the vehicle or a security agreement that materially differs from the form prescribed by law.

(c) Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, *and section 2 of this act* that involves the purchase and sale or lease of a motor vehicle.

(d) Engages in any other acts prescribed by the Department by regulation as a deceptive trade practice.

3. If a seller of a vehicle exercises a valid option to cancel the sale of a vehicle to a customer, the seller must provide a disclosure, and the customer must sign that disclosure, before the seller and customer may enter into a new agreement for the sale of the same vehicle on different terms, or for the sale of a different vehicle. The Department shall prescribe the form of the disclosure by regulation.

4. All administrative fines collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. The administrative remedy provided in this section is not exclusive and is in addition to any other remedy provided by law. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

Sec. 29. NRS 487.6889 is hereby amended to read as follows:

487.6889 A person shall be deemed to be engaged in a "deceptive trade practice" if, in the course of his or her business or occupation, the person:

1. Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, *and section 2 of this act* that involves the repair of a motor vehicle; or

2. Engages in any other acts prescribed by the Director by regulation as a deceptive trade practice.

Sec. 30. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 405 makes six changes to Senate Bill No. 314. The amendment first increases from $5,000 to $7,500 the threshold for the definition of a high-volume marketplace seller. Next, it provides that certain information is confidential between the seller and the marketplace, which is kept by the online marketplace solely for the purpose of maintaining records on the seller. Third, it amends provisions to change from 24 hours to 3 business days the amount of time when a high-volume marketplace seller is required to provide certain identifiable information to online marketplaces after becoming a high-volume marketplace seller. The amendment adds a new section to the bill to provide that the provisions of sections 3 through 16 of this act, inclusive, do not establish a private right of action against a marketplace seller, a high-volume marketplace seller or an online marketplace. It deletes section 27 of the bill, which authorizes a person who is a victim of a deceptive trade practice to a private right of action.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 381.

Bill read second time.

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

Amendment No. 423.

SUMMARY—Revises provisions relating to certain businesses. (BDR 52-1009)

AN ACT relating to businesses; exempting certain creditors from provisions governing deferred deposit loans, high-interest loans and title loans ~~[,]~~ under certain circumstances; revising provisions relating to service contracts and providers of service contracts; setting forth various requirements and restrictions for providers of home service contracts; ~~[authorizing the Commissioner of Insurance to make certain inquiries into the conduct of providers of home service contracts; requiring]~~ revising certain fees for providers of service contracts ; ~~[to pay certain fees biennially rather than annually;]~~ setting forth certain requirements relating to the payment of a refund to the holder of a service contract who cancels or returns the service contract; setting forth certain requirements for the content of a service contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts from provisions governing the licensure and regulation of providers of deferred deposit loans, high-interest loans and title loans a person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State. (NRS 604A.250) Section 1 of this bill revises this exemption to apply to a person who exclusively extends credit in an amount of $50,000 or more to any person for any business, commercial or agricultural purpose, regardless of any personal guarantee or collateral and regardless of whether the debtor is a resident of this State or the purpose is located in this State.

Existing law provides for the registration and regulation of providers of service contracts in this State by the Commissioner of Insurance. (Chapter 690C of NRS) Existing law defines "service contract" to generally mean a contract pursuant to which a provider is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract. (NRS 690C.080) Sections 11 and 12 of this bill, respectively, revise the definitions of "provider" and "service contract" to, among other things, include the servicing of a good as a service for which a provider may be obligated under a service contract.

Section 12 also revises the definition of "service contract" to include a "home service contract," which is defined in section 4 of this bill to generally mean a service contract that covers goods which are household appliances, systems or components. Section 10 of this bill revises the definition of "goods" to specify that the term includes a household appliance, system or component. Section 5 of this bill imposes certain requirements on a provider who issues or sells a home service contract relating to claims for services under the contract.

Section 6 of this bill prohibits certain practices by providers who have issued or sold a home service contract.

Section 3.5 of this bill defines "emergency service contract" to mean a home service contract whereby the provider agrees to provide repairs on an expedited basis and within a specified period of time. Section 6.5 of this bill requires a provider to include certain disclosures in any advertising, sales, marketing or other promotional materials offering a home service contract that is not an emergency service contract.

Existing regulations require a provider to refund the unearned purchase price of a service contract to a holder who requests the cancellation of the service contract in accordance with the terms of the contract. Existing regulations authorize a provider to impose a reasonable fee for such a cancellation under certain circumstances. (NAC 690C.120) Section 7 of this bill codifies these provisions in statute. Section 7 also provides that, for a home service contract, 10 percent of the purchase price of the contract or $75, whichever is less, is deemed to be a reasonable cancellation fee. Section 7 further allows a provider to deduct from the portion of the purchase price that is unearned by the provider any claims paid by the provider during the contract year in which the holder requests the cancellation of the service contract. Section 18 of this bill revises provisions of existing law which prohibit the cancellation of a service contract from becoming effective until at least 15 days after notice of cancellation is mailed to the holder for the purpose of clarifying this prohibition applies only to the cancellation of a service contract by the provider who issued or sold the contract. (NRS 690C.270)

~~[Existing regulations authorize a provider who is required to provide a refund to a holder pursuant to the holder's cancellation or return of a service contract to, if the purchase price of the service contract is financed and not paid in full, send the refund to the lender in an amount that does not exceed the outstanding balance of the holder on the loan. (NAC 690C.120) Sections 7 and 16 of this bill codify this authorization in statute.~~

~~Existing law authorizes the Commissioner to conduct certain examinations of a provider and requires a provider to make certain accounts, books and records available to the Commissioner for inspection. (NRS 690C.320) Section 8 of this bill additionally authorizes the Commissioner to make certain inquiries into the conduct of providers who have issued or sold a home service contract. Section 8 authorizes the Commissioner, in conducting such an inquiry, to request certain information from a provider concerning the holder of a home service contract and sets forth certain requirements relating to such a request.]~~

Existing law provides that the sale of a service contract pursuant to the provisions of existing law governing the sale of service contracts to consumers does not constitute the business of insurance for the purposes of certain provisions of federal law that impose civil and criminal penalties upon certain persons engaged in the business of insurance who engage in certain fraudulent activities. (NRS 690C.100; 18 U.S.C. §§ 1033-1034) Section 13 of this bill

provides that the sale of a service contract to ~~[a person who is not a consumer]~~ any other third party also does not constitute the business of insurance for the purposes of those provisions of federal law.

Existing law requires a provider who wishes to issue, sell or offer for sale service contracts in this State to pay an initial fee in the amount of $1,300 at the time of submission of an application for registration and an annual fee in the amount of $1,300. (NRS 680C.110, 690C.160) Sections 2 and 14 of this bill instead require a provider to pay ~~[a]~~ an initial fee ~~[biennially]~~ in the amount of $2,600 ~~[.]~~ and a biennial fee in the amount of $2,600. Section 15 of this bill revises provisions relating to the amount of money that a provider is required to maintain in a reserve account and the amount of a security that a provider is required to deposit with the Commissioner to satisfy certain requirements for the issuance of a certificate of registration. (NRS 690C.170)

Existing law sets forth certain requirements for the content of a service contract. (NRS 690C.260) Section 17 of this bill requires certain additional information to be included in a service contract.

Section 9 of this bill makes a conforming change to indicate the proper placement of new provisions in the Nevada Revised Statutes.

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

Section 1. NRS 604A.250 is hereby amended to read as follows:

604A.250 The provisions of this chapter do not apply to:

1. Except as otherwise provided in NRS 604A.200, a person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. A person who is primarily engaged in the retail sale of goods or services who:

(a) As an incident to or independently of a retail sale or service, from time to time cashes checks for a fee or other consideration of not more than $2; and

(b) Does not hold himself or herself out as a check-cashing service.

3. A person while performing any act authorized by a license issued pursuant to chapter 671 of NRS.

4. A person who holds a nonrestricted gaming license issued pursuant to chapter 463 of NRS while performing any act in the course of that licensed operation.

5. A person who is exclusively engaged in a check-cashing service relating to out-of-state checks.

6. A corporation organized pursuant to the laws of this State that has been continuously and exclusively engaged in a check-cashing service in this State since July 1, 1973.

7. A pawnbroker, unless the pawnbroker operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

8. A real estate investment trust, as defined in 26 U.S.C. § 856.

9. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

10. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

11. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

12. Any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

13. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

14. A seller of real property who offers credit secured by a mortgage of the property sold.

15. A person who makes a refund anticipation loan, unless the person operates a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service.

16. A person who exclusively extends credit to any person ~~[who is not a resident of this State]~~ *in an amount of $50,000 or more* for any business, commercial or agricultural purpose ~~[, that is located outside of this State.]~~ *, regardless of any personal guarantee or collateral.*

Sec. 2. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) Except as otherwise provided in NRS 680A.180, 683A.378, 686A.380, ~~[690C.160,]~~ 694C.230, 695A.080, 695B.135, 695D.150, 695H.090 and 696A.150, if an annual fee, paid on or before the date established by regulation of the Commissioner;

(c) *If a biennial fee required by subparagraph (2) of paragraph (x), paid on or before the date set forth in NRS 690C.160;*

(d) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

~~[(d)]~~ *(e)* Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300
(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300
(2) Annual fee $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee $60
(2) Annual fee $60

(d) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee $60
(2) Triennial fee $60

(e) Reinsurers, as provided for in NRS 681A.1551 or 681A.160, as applicable:

(1) Initial fee $1,300
(2) Annual fee $1,300

(f) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee $60
(2) Triennial fee $60

(g) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee $1,300
(2) Annual fee $1,300

(h) Administrators, as defined in NRS 683A.025:

(1) Initial fee $60
(2) Triennial fee $60

(i) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee $60
(2) Triennial fee $60

(j) Agents who perform utilization reviews, as defined in NRS 683A.376:

(1) Initial fee $60
(2) Annual fee $60

(k) Insurance consultants, as defined in NRS 683C.010:

(1) Initial fee $60
(2) Triennial fee $60

(l) Independent adjusters, as defined in NRS 684A.030:

(1) Initial fee $60
(2) Triennial fee $60

(m) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(n) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
(o) Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
(p) Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
(q) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
(r) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
(s) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee $60
(2) Annual fee $60
(t) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(u) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(v) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(w) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(x) Providers, as defined in NRS 690C.070:
(1) Initial fee ..... ~~[$1,300]~~ *$2,600*
(2) ~~[Annual]~~ *Biennial* fee ..... ~~[$1,300]~~ *$2,600*
(y) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60

(z) Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60
(aa) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250
(bb) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
(cc) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250
(dd) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1300
(2) Annual fee $1300
(ee) Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
(ff) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1300
(2) Annual fee $1300
(gg) Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
(hh) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
(ii) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
(jj) General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
(kk) Exchange enrollment facilitators, as defined in NRS 695J.050:
(1) Initial fee $60
(2) Triennial fee $60

5. An initial fee of $1,000 must be paid to the Commissioner by each:

(a) Insurer who is authorized to transact casualty insurance, as defined in NRS 681A.020;

(b) Insurer who is authorized to transact health insurance, as defined in NRS 681A.030;

(c) Insurer who is authorized to transact life insurance, as defined in NRS 681A.040;

(d) Insurer who is authorized to transact property insurance, as defined in NRS 681A.060;

(e) Title insurer, as defined in NRS 692A.070;

(f) Fraternal benefit society, as defined in NRS 695A.010;

(g) Corporation subject to the provisions of chapter 695B of NRS;

(h) Health maintenance organization, as defined in NRS 695C.030;

(i) Organization for dental care, as defined in NRS 695D.060; and

(j) Prepaid limited health service organization, as defined in NRS 695F.050.

6. An insurer who is required to pay an initial fee of $1,000 pursuant to subsection 5 shall also pay to the Commissioner an annual fee in an amount determined by the Commissioner. When determining the amount of the annual fee, the Commissioner must consider:

(a) The direct written premiums reported to the Commissioner by the insurer during the previous year;

(b) The number of insurers who are required to pay an annual fee pursuant to this subsection;

(c) The direct written premiums reported during the previous year by all insurers paying such fees; and

(d) The budget of the Division.

7. An insurer who is not required to pay an initial or annual fee pursuant to subsection 4 or subsections 5 and 6 shall pay to the Commissioner an initial fee of $1,300 and an annual fee of $1,300.

Sec. 3. Chapter 690C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[4]~~ 3.5 to 8, inclusive, of this act.

Sec. 3.5. *"Emergency service contract" means a home service contract whereby the provider agrees to provide repairs on an expedited basis and within a specified period of time.*

Sec. 4. *"Home service contract" means a service contract which covers goods that are household appliances, systems or components. The term includes a contract described in paragraph (b) of subsection 2 of NRS 690B.100.*

Sec. 5. *1. A provider who has issued or sold a home service contract shall conduct and diligently pursue a thorough, fair and objective investigation relating to each claim for services under the contract and shall not persist in seeking information that is not reasonably required for or material to the resolution of a claim.*

2. If a holder of a home service contract that is not an emergency service contract makes a claim for ~~[emergency]~~ services involving the repair of ~~[goods]~~ a heating or cooling system covered by the home service contract ~~[,]~~ during a period of extreme heat or cold or any other repair of goods covered by the home service contract that affect the immediate health and safety of the holder, the provider shall ~~[complete the repairs]~~ :

(a) Respond to the claim within ~~[72]~~ 24 hours after the receipt of the claim ~~[. If]~~ ; and

*(b) If the provider ~~[is unable to complete such]~~ has not completed the repairs within ~~[that period of time,]~~ 72 hours, the provider shall provide to the holder ~~[a notice in writing that sets forth a plan for completing the repairs and~~

~~a proposed time frame]~~ written procedures for expediting the completion of the repairs.

3. If a provider who has issued or sold a home service contract denies a claim for services, in whole or in part, the provider shall communicate the denial to the holder by ~~[telephone,]~~ mail, electronic mail or in any other manner established by the home service contract ~~[.]~~ that is written and reproducible.

Sec. 6. *A provider who has issued or sold a home services contract shall not:*

1. Attempt to settle a claim by making a settlement offer that is unreasonably unfair or unreasonably less that the benefits described in the home service contract;

2. Deny a claim based on information obtained in a telephone conversation or personal interview with any source unless the telephone conversation or personal interview is documented in the records relating to the claim that are required to be maintained pursuant to NRS 690C.310;

3. Require that a holder of a home service contract withdraw, rescind or refrain from submitting any complaint to the Commissioner regarding the handling of a claim or any other matter complained of as a condition precedent to the settlement of any claim;

4. Misrepresent or conceal benefits, time limits or other provisions of the home service contract; or

5. Discriminate in its claim management practices based on age, race, ethnicity, ancestry, national origin, sex, gender identity or expression, religion, income, language or mental or physical disability.

Sec. 6.5. If a provider or an agent of a provider uses advertising, sales, marketing or other promotional materials to offer a home service contract that is not an emergency service contract, the materials must contain a statement to the effect that the home service contract being offered is not an emergency service contract and that services under the contract will be provided as soon as commercially and practically feasible.

Sec. 7. *1. If a holder who is the original purchaser of a service contract submits to the provider a request in writing to cancel the service contract in accordance with the terms of the contract, the provider shall refund to the holder the portion of the purchase price that is unearned by the provider.*

2. If a holder requests the cancellation of a service contract pursuant to subsection 1, the provider may impose a reasonable cancellation fee if such a fee is provided for in the terms of the service contract.

3. When calculating the amount of a refund pursuant to subsection 1, the provider may deduct from the portion of the purchase price that is unearned by the provider any:

(a) Outstanding balance on the account of the holder; ~~[and]~~

(b) Any claims paid by the provider during the contract year in which the holder requests the cancellation of the service contract; and

(c) Cancellation fee imposed pursuant to this section.

4. ~~[Except as otherwise provided in this subsection, if the purchase price of a service contract is financed and the loan has not been paid in full by the holder, the provider may provide a refund to the holder pursuant to this section by sending the refund to the lender. The amount of refund that may be sent to the lender must not exceed the outstanding balance of the holder on the loan.~~

~~5.]~~ For the cancellation of a service contract that is a home service contract, a cancellation fee of not more than 10 percent of the purchase price of the contract or $75, whichever is less, shall be deemed to be a reasonable cancellation fee for the purposes of subsection 2.

Sec. 8. ~~*[1. In addition to the powers conferred by NRS 690C.320 or any other law, the Commissioner may make an inquiry into the conduct of a provider who has issued or sold a home service contract as the Commissioner deems necessary to determine whether the provider is in compliance with the provisions of this chapter. In making such an inquiry, the Commissioner may request from such a provider any information concerning a holder to whom the provider has issued or sold a home service contract that the Commissioner deems to be relevant to the inquiry. Such a request may include, without limitation, a request that the provider:*~~

~~*(a) Furnish to the Commissioner any records in the possession of the provider concerning the holder of a home service contract; and*~~

~~*(b) Answer in writing any questions concerning the holder of a home service contract that the Commissioner may prepare.*~~

~~*2. Any request made by the Commissioner pursuant to subsection 1 must:*~~

~~*(a) Be in writing;*~~

~~*(b) Specify the information being requested; and*~~

~~*(c) State the time permitted for compliance, which must be not less than 10 days after the date the provider receives the request.*~~

~~*3. A provider who receives a request made by the Commissioner pursuant to subsection 1 shall furnish to the Commissioner any information specified in the request within the time permitted for compliance set forth in the request. If the request includes questions prepared by the Commissioner, the provider shall furnish to the Commissioner a complete written response to each question which addresses all aspects of the question and which is based on the facts as then known by the provider.*~~

~~*4. Nothing in this section limits:*~~

~~*(a) The power of the Commissioner to conduct examinations pursuant to NRS 690C.320; or*~~

~~*(b) The duty of a provider to comply with the requirements set forth in NRS 690C.320.]*~~ (Deleted by amendment.)

Sec. 9. NRS 690C.010 is hereby amended to read as follows:

690C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 690C.020 to 690C.080, inclusive, *and ~~[section]~~* *sections 3.5 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 10. NRS 690C.050 is hereby amended to read as follows:

690C.050 "Goods" means all tangible personal property, whether movable at the time of purchase or a fixture, that is used primarily for personal, family or household purposes. *The term includes, without limitation, a household appliance, system or component.*

Sec. 11. NRS 690C.070 is hereby amended to read as follows:

690C.070 "Provider" means a person who is *contractually or financially* obligated to a holder pursuant to the terms of a service contract to *service,* repair, replace or perform maintenance on, or to indemnify *or reimburse* the holder for *any part of* the costs of *servicing,* repairing, replacing or performing maintenance on, goods.

Sec. 12. NRS 690C.080 is hereby amended to read as follows:

690C.080 1. "Service contract" means a contract ~~[pursuant to which a provider, in exchange]~~ *or agreement* for *a* separately stated consideration ~~[,]~~ *or for a specific duration pursuant to which a provider* is obligated ~~[for a specified period]~~ to a holder to *service,* repair, replace or perform maintenance on, or indemnify or reimburse the holder for *any part of* the costs of *servicing,* repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear, including, without limitation:

(a) A contract that includes a provision for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental and emergency road service; ~~[and]~~

(b) A contract that provides for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling ~~[.]~~ *; and*

(c) A home service contract.

2. The term does not include a contract pursuant to which a provider, other than the manufacturer, builder, seller or lessor of a manufactured home, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair or replace, or indemnify or reimburse the holder for the costs of repairing or replacing, any component of the physical structure of the manufactured home, including, without limitation, the walls, roof supports, structural floor base or foundation.

Sec. 13. NRS 690C.100 is hereby amended to read as follows:

690C.100 1. The provisions of this title do not apply to:

(a) A warranty;

(b) A maintenance agreement;

(c) A service contract provided by a public utility on its transmission device if the service contract is regulated by the Public Utilities Commission of Nevada;

(d) A service contract sold or offered for sale to a person who is not a consumer;

(e) A service contract for goods if the purchase price of the goods is less than $250; or

(f) A service contract issued, sold or offered for sale by a vehicle dealer on vehicles sold by the dealer, if the dealer is licensed pursuant to NRS 482.325 and the service contract obligates either the dealer or the manufacturer of the vehicle, or an affiliate of the dealer or manufacturer, to provide all services under the service contract.

2. The sale of a service contract *to a consumer* pursuant to this chapter *or to ~~[a person who is not a consumer]~~* *any other third party* does not constitute the business of insurance for the purposes of 18 U.S.C. §§ 1033 and 1034.

3. As used in this section:

(a) "Maintenance agreement" means a contract ~~[for a limited period]~~ that provides only for scheduled maintenance.

(b) "Warranty" means a warranty provided solely by a manufacturer, importer or seller of goods for which the manufacturer, importer or seller did not receive separate consideration and that:

(1) Is not negotiated or separated from the sale of the goods;

(2) Is incidental to the sale of the goods; and

(3) Guarantees to indemnify the consumer for defective parts, mechanical or electrical failure, labor or other remedial measures required to repair or replace the goods.

Sec. 14. NRS 690C.160 is hereby amended to read as follows:

690C.160 1. A provider who wishes to issue, sell or offer for sale service contracts in this state must submit to the Commissioner:

(a) A registration application on a form prescribed by the Commissioner;

(b) Proof that the provider has complied with the requirements for financial security set forth in NRS 690C.170;

(c) A copy of each type of service contract the provider proposes to issue, sell or offer for sale;

(d) The name, address and telephone number of each administrator with whom the provider intends to contract;

(e) A fee of $2,000 and all applicable fees required pursuant to NRS 680C.110 to be paid at the time of application; and

(f) The following information for each controlling person:

(1) Whether the person, in the last 10 years, has been:

(I) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Insolvent or adjudged bankrupt;

(III) Refused a license or registration as a service contract provider or had an existing license or registration as a service contract provider suspended or revoked by any state or governmental agency or authority; or

(IV) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the person other than moving traffic violations.

2. In addition to the fee required by subsection 1, a provider must pay a fee of $25 for each type of service contract the provider files with the Commissioner.

3. ~~[Each year,]~~ *Every 2 years*, not later than the anniversary date of his or her certificate of registration, a provider must pay the ~~[annual]~~ *biennial* fee required pursuant to NRS 680C.110 in addition to any other fee required pursuant to this section.

4. A certificate of registration is valid for 2 years after the date the Commissioner issues the certificate to the provider. A provider may renew his or her certificate of registration if, not later than 60 days before the certificate expires, the provider submits to the Commissioner:

(a) An application on a form prescribed by the Commissioner;

(b) A fee of $2,000 and, in addition to any other fee or charge, all applicable fees required pursuant to subsection 3; and

(c) The information required by paragraph (f) of subsection 1:

(1) If an existing controlling person has had a change in any of the information previously submitted to the Commissioner; or

(2) For a controlling person who has not previously submitted the information required by paragraph (f) of subsection 1 to the Commissioner.

5. All fees paid pursuant to this section are nonrefundable.

6. Each application submitted pursuant to this section, including, without limitation, an application for renewal, must:

(a) Be signed by an executive officer, if any, of the provider or, if the provider does not have an executive officer, by a controlling person of the provider; and

(b) Have attached to it an affidavit signed by the person described in paragraph (a) which meets the requirements of subsection 7.

7. Before signing the application described in subsection 6, the person who signs the application shall verify that the information provided is accurate to the best of his or her knowledge.

Sec. 15. NRS 690C.170 is hereby amended to read as follows:

690C.170 1. To be issued a certificate of registration, a provider must comply with one of the following to provide for financial security:

(a) Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must:

(1) Be issued by an insurer which is licensed, registered or otherwise authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS.

(2) Contain a provision prohibiting the insurer from terminating the policy until a notice of termination has been mailed or delivered to the Commissioner at least 60 days prior to the termination of the policy. Any such termination shall not reduce the responsibility of the insurer for service contracts issued by the provider prior to the effective date of termination.

(b) Maintain a reserve account in this State and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the ~~[unearned]~~ gross consideration received by the provider *, less claims paid,* for any unexpired service contracts ~~[.]~~ *which are sold and cover goods in this State.* The reserve account must be kept separate from the operating accounts of the provider and must be clearly identified as the "_ (Provider's Name) Nevada Service Contracts Funded Reserve Account." The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to $25,000 or 10 percent of the ~~[unearned]~~ gross consideration received by the provider *, less claims paid,* for any unexpired service contracts ~~[,]~~ *which are sold and cover goods in this State,* whichever is greater. The security must be:

(1) A surety bond issued by a surety company authorized to do business in this State;

(2) Securities of the type eligible for deposit pursuant to NRS 682B.030;

(3) Cash;

(4) An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

(5) In any other form prescribed by the Commissioner.

(c) Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

2. A provider shall not use any money in a reserve account described in paragraph (b) of subsection 1 for any purpose other than to pay an obligation of the provider under an unexpired service contract ~~[.]~~ *in this State.*

3. A provider shall maintain the financial security required by subsection 1 until:

(a) The provider ceases doing business in this State; and

(b) The provider has performed or otherwise satisfied all liabilities and obligations under all unexpired service contracts issued by the provider ~~[.]~~ *in this State.*

4. If the certificate of registration of a provider has not expired and the provider fails to maintain the financial security required by subsection 1, including, without limitation, if the financial security is cancelled or lapses, the provider shall not issue or sell a service contract on or after the effective

date of such failure until the provider submits to the Commissioner proof satisfactory to the Commissioner that the provider is in compliance with subsection 1.

Sec. 16. NRS 690C.250 is hereby amended to read as follows:

690C.250 1. A service contract is void and a provider shall refund to the holder the purchase price of the service contract if the holder has not made a claim under the service contract and the holder returns the service contract to the provider:

(a) Within 20 days after the date the provider ~~[mails]~~ *sends* a copy of the service contract to the holder;

(b) Within 10 days after the purchaser receives a copy of the service contract if the provider furnishes the holder with the copy at the time the contract is purchased; or

(c) Within a longer period specified in the service contract.

2. The right of a holder to return a service contract pursuant to this section applies only to the original purchaser of the service contract.

3. A service contract must include a provision that clearly states the right of a holder to return a service contract pursuant to this section.

4. The provider shall refund to the holder the purchase price of the service contract within 45 days after a service contract is returned pursuant to subsection 1. If the provider fails to refund the purchase price within that time, the provider shall pay the holder a penalty of 10 percent of the purchase price for each 30-day period or portion thereof that the refund and any accrued penalties remain unpaid.

~~*[5. Except as otherwise provided in this subsection, if the purchase price of a service contract is financed and the loan has not been paid in full by the holder, the provider may provide a refund to the holder pursuant to this section by sending the refund to the lender. The amount of refund that may be sent to the lender must not exceed the outstanding balance of the holder on the loan.]*~~

Sec. 17. NRS 690C.260 is hereby amended to read as follows:

690C.260 1. A service contract must:

(a) Be written in language that is understandable and printed in ~~[a typeface]~~ *at least 10-point Courier font or other similar font* that is easy to read.

(b) Indicate that it is insured by a contractual liability insurance policy if it is so insured, and include the name and address of the issuer of the policy or that it is backed by the full faith and credit of the provider if the service contract is not insured by a contractual liability insurance policy.

(c) Include the amount of any deductible *or fee for services* that the holder is required to pay.

(d) Include the name and address of the provider and, if applicable:

(1) The name and address of the administrator; and

(2) The name of the holder, if provided by the holder.

➥ The names and addresses of such persons are not required to be preprinted on the service contract and may be added to the service contract at the time of the sale.

(e) Include the purchase price of the service contract. The purchase price must be determined pursuant to a schedule of fees established by the provider. The purchase price is not required to be preprinted on the service contract and may be negotiated with the holder and added to the service contract at the time of sale.

(f) Include a description of the goods covered by the service contract.

(g) Specify the duties of the provider and any limitations, exceptions or exclusions.

(h) If the service contract covers a motor vehicle, indicate whether replacement parts that are not made for or by the original manufacturer of the motor vehicle may be used to comply with the terms of the service contract.

(i) Include any restrictions on transferring or renewing the service contract.

(j) Include the terms, restrictions or conditions for cancelling the service contract before it expires and the procedure for cancelling the service contract. The conditions for cancelling the service contract must include, without limitation, the provisions of NRS 690C.270.

(k) Include the duties of the holder under the contract, including, without limitation, the duty to protect against damage to the goods covered by the service contract or to comply with any instructions included in the owner's manual for the goods.

(l) Indicate whether the service contract authorizes the holder to recover consequential damages.

(m) Indicate whether any defect in the goods covered by the service contract existing on the date the contract is purchased is not covered under the service contract.

(n) Indicate that services will be performed upon the making of a claim for services, without any requirement that additional forms or applications to request services be filed before the rendition of services.

(o) If the service contract requires the holder to obtain prior approval before the provision of services, include a procedure for obtaining such approval, which must include, without limitation, a toll-free telephone number through which the holder may obtain such approval.

(p) If the service contract includes the provision of emergency services performed outside of normal business hours, include procedures for obtaining such emergency services.

(q) If the service contract is a home service contract ~~[and the service contract does]~~ that is not ~~[include the provision of]~~ an emergency ~~[services,]~~ service contract, include the following statement: "This is not an emergency service contract and services will be provided as soon as commercially and practically feasible."

2. A provider shall not allow, make or cause to be made a false or misleading statement in any of the service contracts of the provider or intentionally omit a material statement that causes a service contract to be misleading. The Commissioner may require the provider to amend any service contract that the Commissioner determines is false or misleading.

Sec. 18. NRS 690C.270 is hereby amended to read as follows:

690C.270 1. No service contract that has been in effect for at least 70 days may be cancelled by the provider before the expiration of the agreed term or 1 year after the effective date of the service contract, whichever occurs first, except on any of the following grounds:

(a) Failure by the holder to pay an amount when due;

(b) Conviction of the holder of a crime which results in an increase in the service required under the service contract;

(c) Discovery of fraud or material misrepresentation by the holder in obtaining the service contract, or in presenting a claim for service thereunder;

(d) Discovery of:

(1) An act or omission by the holder; or

(2) A violation by the holder of any condition of the service contract,

➥ which occurred after the effective date of the service contract and which substantially and materially increases the service required under the service contract; or

(e) A material change in the nature or extent of the required service or repair which occurs after the effective date of the service contract and which causes the required service or repair to be substantially and materially increased beyond that contemplated at the time that the service contract was issued or sold.

2. No cancellation of a service contract *by a provider* may become effective until at least 15 days after the notice of cancellation is mailed to the holder.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 423 makes various changes to Senate Bill No. 381. The amendment revises provisions in section 1 concerning exemptions from licensure and regulation as a deferred deposit, high-interest or payday lender or as an installment lender. It amends provisions of section 2 to increase the initial fee for a provider of service contract to $2,600 and adds a new section to the bill to define "emergency service contract." It amends provisions of section 5 to require a home-service contract provider to respond to certain claims with 24 hours and to provide the consumer, within 72 hours, written procedures to expedite such claims and to expand the way a provider of home-service contracts are required to communicate a denial of a claim for services.

It adds a new section to the bill to require that advertisement, sales and marketing materials for a home-service contract that is not an emergency-service contract must include a statement acknowledging that it is not an emergency-service contract. It amends provisions of section 7 to include that a home-service provider may also deduct any claims paid by the provider during the current contract year. It deletes provisions of sections 7 and 16, which permit a service-contract provider to refund a lender that has financed the purchase of a service contract.

It deletes section 8 of the bill that authorizes the Insurance Commissioner to make certain inquiries into the conduct of a home-service contract provider as the Commissioner deems necessary.

It amends provisions of section 12 to clarify the definition of a service contract and amends provisions of section 13 to include that the sale of a service contract to a third party does not constitute the business of insurance for the purpose of federal law. It amends provisions of section 17 to require a service-contract provider to disclose that the home-service contract is not an emergency-service contract.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 402.

Bill read second time.

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

Amendment No. 421.

SUMMARY—Revises provisions relating to regulatory bodies. (BDR 54-709)

AN ACT relating to regulatory bodies; revising provisions relating to certain reciprocal agreements; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring certain licenses for educational personnel be issued within 30 days after receiving the application for the license; requiring certain boards and commissions to submit an annual report to the Sunset Subcommittee of the Legislative Commission and to the Governor; authorizing the Governor to suspend the authority of a board or commission to expend funds if the board or commission fails to submit such an annual report; requiring certain boards and commissions to carry out certain tasks; requiring the Legislative Counsel to create a system for monitoring the progress of an agency in adopting certain permanent regulations; revising provisions relating to the Register of Administrative Regulations; requiring the summary of certain legislative measures to include information concerning whether the legislative measure grants rulemaking authority; requiring the State Board of Oriental Medicine to propose changes to certain names and terminology; and providing other matters properly relating thereto.

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

Legislative Counsel's Digest:

Existing law requires a regulatory body to develop opportunities for reciprocity of licensure for any person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran and who holds a valid and unrestricted license to practice his or her profession that is not recognized by this State. (NRS 622.510) Existing law further authorizes a regulatory body to enter into a reciprocal licensing agreement for certain professions with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States. (NRS 622.520) Section 2 of this bill requires regulatory bodies in this State to enter into such reciprocal licensing agreements if certain conditions already set forth in existing law are met. Section 2 exempts the State Board of Nursing from the requirement of entering into such a reciprocal licensing agreement. Existing law provides that such reciprocal agreements must not authorize a person to practice his or her profession in this State unless the person has been in practice for at least the 5 years immediately preceding the date of his or her application.

(NRS 622.520) Section 2 provides that the person must be in practice for 3 of the 5 years immediately preceding the date of his or her application.

Existing law authorizes certain professionals to obtain a license by endorsement to practice their respective professions in this State if the professional: (1) holds a valid and unrestricted license in another state or territory of the United States; (2) is an active member or veteran of, spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and (3) meets certain other requirements. (NRS 630.2752, 632.162, 632.282, 633.4336, 636.207, 637B.204, 639.1365, 639.2316, 640.146, 640A.166, 640C.426, 641.196, 641A.242, 641B.272, 641C.3306, 641C.356, 641C.396, 641C.433, 653.540) Sections 3, 9, 14, 21, 22, 29, 35, 45, 49-51, 64-66, 73, 77, 82, 89, 90, 93, 97, 105, 106, 109, 111-113, 125, 126, 131, 133, 144-148, 158, 165, 168, 175, 179, 180, 185, 186, 193, 197, 198, 201, 203, 209, 214, 221-223, 230, 236 and 237 of this bill authorize the following professionals to also obtain such expedited licenses: architects, registered interior designers, residential designers, landscape architects, contractors, professional engineers, professional land surveyors, environmental health specialists, certified public accountants, private professional guardians, practitioners of medicine, perfusionists, practitioners of respiratory care, homeopathic physicians, advanced practitioners of homeopathy, homeopathic assistants, dentists, dental hygienists, dental therapists, nursing assistants, practitioners of osteopathic medicine, chiropractors, chiropractor's assistants, doctors of Oriental medicine, podiatric physicians, podiatry hygienists, dispensing opticians, apprentice dispensing opticians, hearing aid specialists, practitioners of veterinary medicine, euthanasia technicians, veterinary technicians, occupational therapy assistants, athletic trainers, music therapists, dietitians, embalmers, apprentice embalmers, funeral directors, funeral arrangers, operators of funeral establishments and direct cremation facilities, barbers and apprentices, practitioners of cosmetology, real estate brokers, broker-salespersons, real estate salespersons, escrow agencies and agents, mortgage companies, mortgage loan originators, appraisers of real estate, appraisal management companies, inspectors of structures, energy auditors, certain persons who perform certain covered services related to real estate, foreclosure consultants, loan modification consultants, exchange facilitators, asset management companies, private investigators, private patrol officers, process servers, repossessers, dog handlers, security consultants, polygraphic examiners, collection agencies, collection agents, persons who work in medical laboratories, administrators of facilities for long-term care, certified court reporters, interpreters and realtime captioning providers. Sections 4-8, 10-13, 15-17, 19, 23-28, 30-34, 36-38, 46, 47, 52-59, 61, 62, 67-72, 74-76, 79-85, 87, 91, 92, 94, 95, 99-102, 107, 108, 115-121, 127-129, 132, 134, 135, 149-157, 159-164, 166, 167, 170-174, 176, 177, 181-183, 187-192, 194-196, 199, 200, 202, 204-208, 210-213, 215-218, 224-226, 228, 229, 231-234, 238 and 239 of this bill make conforming changes by exempting such expedited licenses from

certain licensure procedures and requiring that a person who is issued an expedited license is only required to pay half of the fee for the initial issuance of the license. Sections 60, 78, 79, 86, 103, 109, 122-125, 130, 136-142 and 219 of this bill require certain regulatory authorities to: (1) issue such expedited licenses and to provide the license in 30 days instead of 45 days; and (2) provide information concerning such expedited licenses on the Internet website of the regulatory authority.

Existing law requires the Commission on Professional Standards in Education adopt regulations which provide for: (1) the issuance of provisional licenses to certain teachers and other educational personnel; and (2) the reciprocal licensure of certain educational personnel from other states. Existing law provides that a person who is a member or veteran of, or spouse of a member or veteran of, the Armed Forces of the United States and who has completed certain licensure requirements may obtain a license. (NRS 391.032) Section 245 of this bill requires such a license to be issued within 30 days after receiving the application for the license by a person who is a member or veteran of, or spouse of a member or veteran of, the Armed Forces of the United States.

Existing law requires each board and commission that is subject to the review of the Sunset Subcommittee of the Legislative Commission to submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. Each board and commission is required to submit certain information. (NRS 232B.230) Section 241 of this bill requires each board and commission to submit an annual report to the Sunset Subcommittee and the Governor on or before October 31 of each year. Section 241 requires such an annual report to include certain information, including information concerning the number of applications received and denied, the number of examinations taken and fails, the number of licenses, certificates or registrations issued, suspended, revoked and terminated, the number of certain complaints received by the board or commission and certain information concerning applicants. Section 241 requires the Sunset Subcommittee to notify a board or commission that it has failed to file this report. Section 241 authorizes the Governor to suspend the authority of the board or commission to expend any funds if the board or commission fails to submit this annual report. Section 241 requires a suspended board or commission to continue to issue and renew licenses, certificates or registrations and consider applications, requires each board and commission to adopt certain regulations and further requires each board and commission to maintain an escrow account into which any fees received during a period of suspension must be deposited. Section 1 of this bill makes conforming changes by referencing applications for certificates and registrations and by requiring certain reports to include the total number of applications that were refused examination.

Section 242 of this bill requires the Legislative Counsel to create a system for monitoring the progress of an agency in adopting any permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted

by the Legislature. Section 242 requires this system to include a requirement for an agency to submit: (1) a plan to the Legislative Commission for the adoption of the permanent regulation; and (2) a periodic report to the Legislative Counsel explaining the progress of the agency in adopting the permanent regulation. Section 242 also requires the Legislative Counsel to compile information received pursuant to the system and report to the Legislative Commission upon request the progress of any agency in adopting a permanent regulation that the agency is required to adopt pursuant to a legislative measure enacted by the Legislature.

Existing law requires the Legislative Counsel to prepare and publish a Register of Administrative Regulations which must include certain information regarding each permanent regulation adopted by an agency. (NRS 233B.0653) Section 243 of this bill requires the Register of Administrative Regulations to include information compiled by the Legislative Counsel pursuant to the system created pursuant to section 242.

Existing law requires the Legislative Counsel to make available for access on the Internet the information contained in the Register of Administrative Regulations. (NRS 233B.0656) Section 244 of this bill requires this information to be made available for access in a searchable, standardized database.

Existing law requires the summary of each bill or joint resolution introduced in the Legislature to include certain information concerning fiscal effect and appropriations. (NRS 218D.415) Section 240 of this bill similarly requires the summary of each bill or joint resolution introduced in the Legislature to include information concerning whether the legislative measure grants rulemaking authority.

Existing law creates the State Board of Oriental Medicine to regulate the practice of Oriental medicine. (NRS 634A.030) Section 245.5 of this bill requires the Board on or before June 1, 2022, to: (1) deliberate on and propose changes to the name of the Board and the terminology for the profession and practice regulated by the Board; and (2) submit the proposed changes to the Sunset Subcommittee of the Legislative Commission.

Section 2 of Senate Bill No. 402 is hereby amended as follows:

Sec. 2. NRS 622.520 is hereby amended to read as follows:

622.520 1. ~~[A]~~ If the conditions of subsection 2 are satisfied, a regulatory body that regulates a profession pursuant to chapters 630, 630A, ~~[632]~~ 633 to 641C, inclusive, 644A or 653 of NRS in this State ~~[may]~~ shall enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. ~~[A]~~ Before a regulatory body ~~[may enter]~~ enters into a reciprocal agreement pursuant to subsection 1 , ~~[only if]~~ the regulatory body ~~[determines that:]~~ must determine if:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

➥ If the regulatory body determines that the corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body and that the applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State, the regulatory body shall enter into a reciprocal agreement pursuant to subsection 1.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least 3 of the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. ~~[If]~~ When the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Section 22 of Senate Bill No. 402 is hereby amended as follows:

Sec. 22. 1. The Board shall ~~[, without examination,]~~ issue a license by endorsement to practice as a professional land surveyor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license, registration or certificate to practice as a professional land surveyor in the District of Columbia or any state or territory of the United States; and

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

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license, registration or certificate to practice as a professional land surveyor; and

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

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

(c) The application and initial license fee specified in this chapter; and

(d) Any other information required by the Board.

3. The Board may require applicants for a license by endorsement pursuant to this section to pass an examination that covers the laws and procedures relating to the practice of land surveying in this State.

4. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional land surveyor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional land surveyor to the applicant not later than 30 days after receiving all the additional information required by the Board to complete the application.

~~[4.]~~ 5. A license by endorsement to practice as a professional land surveyor may be issued at a meeting of the Board or between its meetings by the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

~~[5.]~~ 6. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a professional land surveyor in accordance with regulations adopted by the Board.

~~[6.]~~ 7. On the Internet website of the Board, the Board shall provide information concerning how a person may obtain a license by endorsement pursuant to this section.

~~[7.]~~ 8. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Section 245 of Senate Bill No. 402 is hereby amended as follows:

Sec. 245. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State. Unless ~~[the Commission denies]~~ an application for a license is denied for good cause ~~[,]~~ pursuant to regulations adopted by the Commission , ~~[shall approve]~~ the application must be approved and ~~[issue]~~ a license must be issued to the ~~[persons]~~ person not later than 30 days after ~~[receiving]~~ the application for the license ~~[.]~~ is received.

3. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

NEW section 245.5 of Senate Bill No. 402 is hereby added as follows:

Sec. 245.5. 1. On or before June 1, 2022, the State Board of Oriental Medicine created by NRS 634A.030 shall:

(a) Hold one or more meetings to deliberate on and propose changes to the name of the Board and the terminology for the profession and practice regulated by the Board; and

(b) Submit those proposed changes to the Sunset Subcommittee of the Legislative Commission created by NRS 232B.210.

2. The Sunset Subcommittee shall include in its biennial report submitted to the Legislative Commission pursuant to NRS 232B.250 the proposed

changes submitted to it pursuant to subsection 1 and any recommendations relating thereto.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 421 makes four changes to Senate Bill No. 402. The amendment exempts the State Board of Nursing from the requirement to enter into a reciprocal licensing agreement. It authorizes the State Board of Professional Engineers and Land Surveyors to require that an applicant pass certain examinations. It amends provisions of section 245 to clarify that, rather than issuing the license, the Commission on Professional Standards in Education adopts regulations governing the issuance of a license. It also adds a new section to the bill to require the State Board of Oriental Medicine to examine whether and how to change the name of the Board and submit recommendations for the next Legislative Session.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 408.

Bill read second time.

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

Amendment No. 422.

SUMMARY—Revises provisions relating to the State Board of Pharmacy. (BDR 54-1098)

AN ACT relating to pharmacy; ~~[revising certain requirements relating to the officers and employees of the State Board of Pharmacy;]~~ requiring certain meetings of the State Board of Pharmacy to be open and public; authorizing the Board to enter into certain agreements; authorizing the Board to require certain persons to undergo a criminal background check; requiring an applicant for registration as a pharmacist or pharmaceutical technician to undergo a criminal background check; increasing certain fees; revising provisions relating to ~~[the imposition of disciplinary action against a person who is regulated by]~~ administrative proceedings before the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[prohibits a professional licensing board from employing an executive director or executive secretary who is a direct relative of a licensee of the professional licensing board. (NRS 622.220) Existing law also places certain limitations on the salary of persons employed by the State or any agency of the State and excludes from such limitations on salary dentists and physicians employed full-time by the State and officers and employees of the Nevada System of Higher Education. (NRS 281.123) Sections 1 and 12 of this bill exempt the Executive Secretary of the State Board of Pharmacy from these provisions, thereby authorizing: (1) an immediate relative of a person who holds a certificate, license or permit issued by the Board to serve as the Executive Secretary; and (2) the Executive Secretary of the Board to earn a salary higher than the maximum salary currently authorized by law. Section 3 of this bill additionally exempts employees of the Board from such salary~~

~~limitations.]~~ creates the State Board of Pharmacy and sets forth the general and regulatory powers of the Board. (NRS 639.020, 639.070) Section 3 of this bill authorizes the Board to: (1) enter into written agreements for improving the enforcement of and compliance with the provisions of law governing the practice of pharmacy, controlled substances and dangerous drugs; (2) contract with a private entity for the administration of the database of the computerized program that tracks each prescription for certain controlled substances; and (3) require the holder of a certificate, license or permit issued by the Board or a person with significant influence over the holder of a certificate, license or permit to undergo a criminal background check. Sections 5 and 6 of this bill require an applicant for registration as a pharmacist or a pharmaceutical technician to undergo a criminal background check. Section 11 of this bill requires the Board to implement and maintain reasonable security measures to protect information obtained for the purpose of conducting such a background check.

Existing law requires, in general, the meetings of a public body to be open and public. (NRS 241.016) However, existing law provides that meetings of the Board which are held to deliberate on a decision in an administrative action are closed to the public. (NRS 639.050) Section 2 of this bill removes this provision, thereby requiring, in general, a meeting of the Board for that purpose to be open and public. The Board would still be authorized to close a meeting for certain purposes, including, consideration of the character, alleged misconduct, professional competence or physical or mental health of a person, unless the person waives such closure. (NRS 241.030)

Section 13 of this bill repeals a requirement that the Board furnish to applicants and registrants free copies of law and regulations governing the practice of pharmacy, controlled substances, dangerous drugs and foods, drugs and cosmetics. (NRS 639.095)

Section 4 of this bill revises the credentials that authorize a person to manufacture, engage in wholesale distribution, compound, sell or dispense any drug, poison, medicine or chemical. Section 7 of this bill increases the fees for the investigation or issuance or renewal of a license as a manufacturer or wholesaler.

Existing law authorizes the Board to take disciplinary action against a holder of any certificate, license or permit issued by the Board for certain violations. (NRS 639.255) Section 8 of this bill increases the amount of time for a person to request a hearing before the Board to answer to violations alleged by the Board and submit evidence. ~~[Section 9 of this bill adds to the list of disciplinary actions that the Board may impose against the holder of a certificate, license or permit the imposition of such restrictions on the certificate, license or permit holder as the Board deems necessary.]~~

Existing law makes it a misdemeanor to: (1) secure or attempt to secure registration as a pharmacist, pharmacy technician or a practitioner through false representation; or (2) fraudulently represent oneself to be a registered pharmacist or practitioner. Existing law provides for the automatic

cancellation of any certificate issued by the Board based on false or fraudulent information. (NRS 639.281) Section 10 of this bill expands these provisions to apply to any certificate, license or permit issued by the Board.

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

Section 1. ~~[NRS 639.040 is hereby amended to read as follows:~~

~~639.040 1. The Board shall elect a President and a Treasurer from among its members.~~

~~2. The Board shall employ an Executive Secretary, who is not a member of the Board. The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements. The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services the Executive Secretary is entitled to receive a salary to be determined by the Board.~~

~~*3. The Executive Secretary is not subject to the requirements of paragraph (b) of subsection 4 of NRS 622.220.*~~

~~*4. The salary of the Executive Secretary is exempt from the limitations set forth in NRS 281.123.]*~~ (Deleted by amendment.)

Sec. 2. NRS 639.050 is hereby amended to read as follows:

639.050 1. The Board shall hold a meeting at least once in every 6 months.

2. Four members of the Board constitute a quorum.

3. Meetings of the Board which are held ~~[to deliberate on the decision in an administrative action or]~~ to prepare, grade or administer examinations are closed to the public.

4. Each member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

5. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 3. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ attorneys, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties. ~~*[The salaries of these employees are exempt from the limitations set forth in NRS 281.123.]*~~

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

(q) Enter into written agreements with local, state and federal agencies for the purpose of improving the enforcement of and compliance with the provisions of this chapter and chapters 453 and 454 of NRS.

(r) Contract with a private entity to administer the database of the program established pursuant to NRS 453.162.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or

any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 4. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) ~~[Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a person licensed pursuant to chapter 653 of NRS under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner;]~~ *Holds the appropriate certificate, license or permit required by this chapter or chapter 453 or 454 of NRS, as applicable, that authorizes the person to take such action;* and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

4. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

5. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

6. The Board shall not condition, limit, restrict or otherwise deny to a prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.

Sec. 5. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. *In addition to the requirements of subsection 1, each applicant for registration as a pharmacist shall submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Board may issue a provisional registration to an applicant pending receipt of the report from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified for registration.*

3. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

~~[3.]~~ *4.* An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

~~[4.]~~ *5.* A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120, 639.134, 639.136 or 639.1365. The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 6. NRS 639.1371 is hereby amended to read as follows:

639.1371 1. The ratio of pharmaceutical technicians to pharmacists must not allow more than one pharmaceutical technician to each pharmacist unless the Board by regulation expands the ratio.

2. The Board shall adopt regulations concerning pharmaceutical technicians, including requirements for:

(a) The qualifications, registration and supervision of pharmaceutical technicians; and

(b) The services which may be performed by pharmaceutical technicians,

➥ to ensure the protection and safety of the public in the provision of pharmaceutical care.

3. The regulations adopted by the Board pursuant to this section which prescribe:

(a) The qualifications for pharmaceutical technicians must include:

(1) The successful completion of a program for pharmaceutical technicians which is approved by the Board;

(2) The completion of at least 1,500 hours of experience in carrying out the duties of a pharmaceutical technician; or

(3) Any other experience or education deemed equivalent by the Board.

(b) An expanded ratio of pharmaceutical technicians to pharmacists must be appropriate and necessary for a particular category of pharmacy at any time.

(c) The services which may be performed by pharmaceutical technicians must include, without limitation, the:

(1) Removal of drugs from stock;

(2) Counting, pouring or mixing of drugs;

(3) Placing of drugs in containers;

(4) Affixing of labels to containers; and

(5) Packaging and repackaging of drugs.

4. *In addition to the requirements for registration as a pharmaceutical technician adopted by the Board pursuant to subsection 2, each applicant for such registration shall submit with his or her application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Board may issue a provisional registration to an applicant pending receipt of the report from the Federal Bureau of Investigation if the Board determines that the applicant is otherwise qualified for registration.*

5. For the purposes of this chapter, and chapters 453 and 454 of NRS, pharmaceutical technicians may perform acts required to be performed by pharmacists, but only to the extent provided in regulations.

Sec. 7. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a Pharmacist	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist, including a certificate by endorsement	$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy, including a license by endorsement	600
For the biennial renewal of a license to conduct a retail pharmacy	500
For the investigation or issuance of an original license to conduct an institutional pharmacy, including a license by endorsement	600
For the biennial renewal of a license to conduct an institutional pharmacy	500
For the investigation of or issuance of an original license to a facility pursuant to NRS 639.2177	600
For the biennial renewal of a license issued to a facility pursuant to NRS 639.2177	500

For the issuance of an original or duplicate certificate of registration as a registered pharmacist, including a certificate by endorsement 50
For the biennial renewal of registration as a registered pharmacist..... 200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training 50
For the investigation or registration of an intern pharmacist 50
For the biennial renewal of registration as an intern pharmacist 40
For investigation or issuance of an original license to a manufacturer or wholesaler .....~~[500]~~ *1,000*
For the biennial renewal of a license for a manufacturer or wholesaler .....~~[500]~~ *1,000*
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon 100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300
For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both 300

2. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.136 or 639.2315, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If an applicant submits an application for a certificate or license by endorsement pursuant to NRS 639.1365 or 639.2316, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

4. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to

the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

5. All fees are payable in advance and are not refundable.

6. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 8. NRS 639.243 is hereby amended to read as follows:

639.243 The statement, entitled Statement to the Respondent, shall be worded so as to inform the respondent:

1. That an accusation has been filed.

2. Of the right to a hearing before the Board to answer to the alleged violations and to submit evidence in his or her own behalf if requested by the filing of two copies of the Notice of Defense within ~~[15]~~ *20* days after receipt of the accusation.

Sec. 9. ~~[NRS 639.255 is hereby amended to read as follows:~~

~~639.255 1. The holder of any certificate, license or permit issued by the Board, whose default has been entered or who has been heard by the Board and found guilty of the violations alleged in the accusation, may be disciplined by the Board by one or more of the following methods:~~

~~(a) Suspending judgment;~~

~~(b) Placing the certificate, license or permit holder on probation;~~

~~(c) Suspending the right of a certificate holder to practice, or the right to use any license or permit, for a period to be determined by the Board;~~

~~(d) Revoking the certificate, license or permit;~~

~~(e) Public reprimand; [or]~~

~~(f) Imposition of a fine for each count of the accusation, in accordance with the schedule of fines established pursuant to subsection 3 [.] ; or~~

~~*(g) Placing any other restrictions on the certificate, license or permit holder as the Board deems necessary for the protection of the public.*~~

~~2. Such action by the Board is final, except that the propriety of such action is subject to review upon questions of law by a court of competent jurisdiction.~~

~~3. The Board shall, by regulation, establish a schedule of fines that may be imposed pursuant to paragraph (f) of subsection 1. Each fine must be commensurate with the severity of the applicable violation, but must not exceed $10,000 for each violation.~~

~~4. The Board shall not issue a private reprimand.~~

~~5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.]~~ (Deleted by amendment.)

Sec. 10. NRS 639.281 is hereby amended to read as follows:

639.281 1. Any person who secures or attempts to secure ~~[registration]~~ *any certificate, license or permit issued by the Board* for himself or herself or any other person by making, or causing to be made, any false representation

or who fraudulently represents himself or herself to be ~~[a registered pharmacist or practitioner]~~ *the holder of any certificate, license or permit issued by the Board* is guilty of a misdemeanor.

2. Any certificate *, license or permit* issued by the Board on information later found to be false or fraudulent must be automatically cancelled by the Board.

Sec. 11. NRS 639.510 is hereby amended to read as follows:

639.510 The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to ~~*[paragraph (s) of subsection 1 of NRS 639.070 or]*~~ NRS *639.127, 639.1371 or* 639.500 ~~[and all other information related to an application for a license to engage in wholesale distribution]~~ to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.

Sec. 12. ~~[NRS 622.220 is hereby amended to read as follows:~~

~~622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:~~

~~1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;~~

~~2. Must be a resident of this State;~~

~~3. Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and~~

~~4. Must not be the immediate relative of:~~

~~(a) A member or employee of the regulatory body; or~~

~~(b) [A] *Except as otherwise provided in NRS 639.040, a* licensee of the regulatory body.]~~ (Deleted by amendment.)

Sec. 13. NRS 639.095 is hereby repealed.

Sec. 14. 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. 15. 1. This section and section 14 of this act become 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 any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2021, for all other purposes.

TEXT OF REPEALED SECTION

639.095 Board to furnish free copies of law and regulations to applicants and registrants. The Board shall furnish each applicant for registration and each resident registered pharmacist with a free copy of chapters 453, 454, 585 and 639 of NRS and the regulations of the Board. Free copies must be provided nonresident pharmacists registered in Nevada upon request.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 422 makes four changes to Senate Bill No. 408. The amendment deletes sections 1 and 12, which exempts the Executive Secretary of the State Board of Pharmacy from certain provisions, including the limitation of the maximum salary payable to persons employed by the State. It deletes provisions of section 3, which exempts certain employees from the limitation of the maximum salary payable to persons employed by the State. It deletes section 9, which expands the list of disciplinary actions that the Board may impose against a holder of a certificate, license or permit. It also deletes certain provisions concerning the maintenance of information concerning an applicant's criminal background check.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 198, 278, 280, 281, 287, 291, 295, 310, 402 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 44, 229, 289, 320, 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 was referred Senate Bill No. 347, 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. 283, 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. 259, 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Growth and Infrastructure, to which was re-referred Senate Bill No. 303, 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. 201, 329, 376, 380, 390, 397, 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 Natural Resources, to which was referred Senate Bill No. 349, 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*

Madam President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 235, 346, 389, 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. 22.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 349.

SUMMARY— ~~[Revises provisions governing deductions from the individual account and wages of an offender.]~~ Makes various changes relating to correctional institutions. (BDR 16-262)

AN ACT relating to correctional institutions; requiring the Director of the Department of Corrections to establish and maintain a package program for certain offenders; authorizing the Department to adopt regulations relating to the authority of the Director to make certain deductions from the individual account of an offender and from the wages of an offender; requiring the Director to provide a monthly statement to each offender relating to the individual account of the offender; revising the order of priority of certain deductions from the individual account of an offender and from the wages of an offender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution entitles a victim of crime to full and timely restitution and requires that all monetary payments, money and property collected from any person ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim. (Nev. Const. Art. 1, § 8A)

Under existing law, the Prisoners' Personal Property Fund is created as a trust fund. With certain exceptions, an offender in an institution or a facility of the Department of Corrections is required under existing law to deposit all money received by the offender during incarceration in an individual account in the Fund. The Director of the Department is also required under existing law to deposit in the Fund the net wages after certain deductions that are earned by an offender during incarceration and valuables of an offender received during incarceration. (NRS 209.241) With certain exceptions, existing law authorizes the Director of the Department of Corrections to make certain

deductions from the individual account of an offender or from the gross wages of an offender, including a deduction to meet an existing obligation for restitution to a victim. Under existing law, such deductions are made in accordance with an order of priority specific to whether the deduction is made from: (1) the individual account of an offender; (2) the wages of an offender whose hourly wage is equal to or greater than the federal minimum wage; or (3) the wages of an offender whose hourly wage is less than the federal minimum wage. (NRS 209.247, 209.463) Sections ~~[1]~~ 1.9 and 2 of this bill revise such orders of priority to comport with the relevant provisions in the Nevada Constitution concerning restitution.

For deductions from the individual account of the offender, section ~~[1,]~~ 1.9, in addition to the change in priority of the deduction concerning restitution, revises the order of priority of the following: (1) the deduction for credit to the Fund for the Compensation of Victims of Crime; and (2) ~~[the deduction to offset the cost of maintaining the offender in the institution; (3) the deduction to repay certain costs or to defray certain expenses; (4) the deduction for expenses related to the release or funeral of the offender; and (5)]~~ the deduction for the fee imposed for genetic marker analysis.

For deductions from the wages of an offender whose hourly wage is equal to or greater than the federal minimum wage, section 2, in addition to the change in priority of the deduction concerning restitution, revises the order of priority of the following: (1) the deduction for credit to the Fund for the Compensation of Victims of Crime; (2) the deduction for credit to the individual account of the offender; (3) the deduction to offset the cost of maintaining the offender in the institution; and (4) the deduction to repay certain costs or to defray certain expenses.

For deductions from the wages of an offender whose hourly wage is less than the federal minimum wage, section 2, in addition to the change in priority of the deduction concerning restitution, revises the order of priority of the following: (1) the deduction for credit to the Fund for the Compensation of Victims of Crime; (2) the deduction for credit to the individual account of the offender; (3) the deduction to offset the cost of maintaining the offender in the institution; (4) the deduction to repay certain costs or to defray certain expenses; (5) the deduction for the fee imposed for genetic marker analysis; and (6) the deduction for expenses related to the release or funeral of the offender.

Existing law establishes various duties of the Director relating to the individual accounts of offenders. (NRS 209.241) In addition to such existing duties, section 1.7 of this bill requires the Director to provide a monthly statement to each offender relating to the individual account of the offender. Section 1.7 also: (1) requires the statement to include certain information; and (2) sets forth various requirements concerning the method for providing the statement to the offender.

Section 1.3 of this bill: (1) authorizes the Department to adopt regulations necessary for the Director to carry out the provisions of law relating to

deductions from the individual account of offenders and from the wages of offenders; and (2) requires such regulations to be adopted in accordance with the provisions of the Nevada Administrative Procedure Act. Section 2.5 of this bill makes a conforming change relating to the regulations.

Section 1.1 of this bill requires the Director to establish and maintain a package program for all offenders. Section 1.1 authorizes the Director or the Medical Director to prohibit an offender from participating in the package program under certain circumstances. Finally, section 1.1 provides that the contents of packages received through the package program are not subject to deductions relating to individual accounts of offenders.

Section 1.5 of this bill makes a conforming change relating to the revised order of priority for deductions made from the individual account of offenders and from the wages of offenders.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 and 1.3 of this act.

Sec. 1.1. *1. Except as otherwise provided in subsections 2 and 3, the Director shall establish and maintain a package program for offenders.*

2. The Director may prohibit an offender from participating in the package program if the offender is in:

(a) Disciplinary segregation; or

(b) Administrative segregation and the prohibition is necessary to ensure the safety of other offenders in administrative segregation.

3. The Medical Director may prohibit an offender from participating in the package program if:

(a) The offender is receiving medical care from the Medical Director; and

(b) The prohibition is necessary to ensure the health of the offender.

4. The contents of a package received by an offender participating in the package program are not subject to any deduction described in NRS 209.247.

5. As used in this section:

(a) "Administrative segregation" means the separation of an offender from the general population which is imposed by classification when the continued presence of the offender in the general population or protective segregation would pose a serious threat to life, property, self, staff, other offenders or to the security or orderly operation of the facility or institution.

(b) "Disciplinary segregation" means the separation of an offender from the general population for a specified period when an offender has committed a serious violation of the rules of a facility or an institution.

(c) "General population" means the status of offenders who are incarcerated and do not have a special status.

(d) "Package program" means a program which authorizes an offender to order at least one clothing package and one food package, respectively, per quarter.

(e) "Protective segregation" means the separation of an offender from the general population when the offender requests or requires protection from other offenders for reasons relating to health or safety.

Sec. 1.3. 1. The Department may adopt regulations necessary to carry out the provisions of NRS 209.247 and 209.463.

2. Any regulations adopted pursuant to this section must be adopted in accordance with the provisions of chapter 233B of NRS.

Sec. 1.5. NRS 209.192 is hereby amended to read as follows:

209.192 1. There is hereby created in the State Treasury a Fund for New Construction of Facilities for Prison Industries as a capital projects fund. The Director shall deposit in the Fund the deductions made pursuant to *subparagraph (3) of* paragraph ~~[(c)]~~ *(a)* of subsection ~~[1]~~ *3* or *subparagraph (2) of* paragraph ~~[(b)]~~ *(a)* of subsection ~~[2]~~ *4* of NRS 209.463. The money in the Fund must only be expended:

(a) To house new industries or expand existing industries in the industrial program to provide additional employment of offenders;

(b) To relocate, expand, upgrade or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders;

(c) To purchase or lease equipment to be used for the training of offenders or in the operations of prison industries;

(d) To pay or fund the operations of prison industries, including, without limitation, paying the salaries of staff and wages of offenders if the cash balance in the Fund for Prison Industries is below the average monthly expenses for the operation of prison industries;

(e) To advertise and promote the goods produced and services provided by prison industries; or

(f) For any other purpose authorized by the Legislature.

2. Before money in the Fund may be expended:

(a) As described in paragraphs (b) to (e), inclusive, of subsection 1, the Director shall submit a proposal for the expenditure to the Committee on Industrial Programs and the State Board of Examiners.

(b) For construction, the Director shall submit a proposal for the expenditure to the State Board of Examiners.

3. Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.

4. If any money in the Fund is used as described in paragraph (d) of subsection 1, the Director shall repay the amount used as soon as sufficient money is available in the Fund for Prison Industries.

5. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

6. As used in this section, "Fund" means Fund for New Construction of Facilities for Prison Industries.

Sec. 1.7. NRS 209.241 is hereby amended to read as follows:

209.241 1. The Director may accept money, including the net amount of any wages earned during the incarceration of an offender after any deductions made by the Director and valuables belonging to an offender at the time of his or her incarceration or afterward received by gift, inheritance or the like or earned during the incarceration of an offender, and shall deposit the money in the Prisoners' Personal Property Fund, which is hereby created as a trust fund.

2. An offender shall deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund.

3. The Director:

(a) Shall keep, or cause to be kept, a full and accurate account of the money and valuables, and shall submit reports to the Board relating to the money and valuables as may be required from time to time.

(b) May permit withdrawals for immediate expenditure by an offender for personal needs.

(c) May permit the distribution of money to a governmental entity for any applicable deduction authorized pursuant to NRS 209.247 or any other deduction authorized by law from any money deposited in the individual account of an offender from any source other than the offender's wages.

(d) *Shall provide each offender with a monthly statement concerning the individual account of the offender.*

(e) Shall pay over to each offender upon his or her release any remaining balance in his or her individual account.

4. *The monthly statement described in subsection 3:*

(a) Must include, without limitation:

(1) The balance of the individual account of the offender;

(2) An itemized list of each deduction made from the individual account of the offender, including, without limitation:

(I) The amount of the deduction;

(II) The date of the deduction; and

(III) The purpose of the deduction; and

(3) The balance of any debts owed by the offender to the Department, including, without limitation, the amount of restitution owed by the offender, if any; and

(b) Must be provided to the offender:

(1) Electronically, free of charge; or

(2) In writing, upon the request of the offender, and if so provided, the Department may not charge the offender a fee relating to the provision of the written statement for the first two requests per year.

5. The interest and income earned on the money in the Prisoners' Personal Property Fund, after deducting any applicable bank charges, must be credited each calendar quarter as follows:

(a) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is less than the amount of interest and income earned by the offender, the Director shall credit the individual account of the offender with an amount equal to the difference between the amount of interest and income earned by the offender and the offender's share of the cost of administering the Prisoners' Personal Property Fund.

(b) If an offender's share of the cost of administering the Prisoners' Personal Property Fund for the quarter is equal to or greater than the amount of interest and income earned by the offender, the Director shall credit the interest and income to the Offenders' Store Fund.

~~[5.]~~ *6.* An offender who does not deposit all money that the offender receives into his or her individual account in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

~~[6.]~~ *7.* A person who aids or encourages an offender not to deposit all money the offender receives into the individual account of the offender in the Prisoners' Personal Property Fund as required in this section is guilty of a gross misdemeanor.

~~[7.]~~ *8.* The Director may exempt an offender from the provisions of this section if the offender is:

(a) Confined in an institution outside this State pursuant to chapter 215A of NRS; or

(b) Assigned to the custody of the Division of Parole and Probation of the Department of Public Safety to:

(1) Serve a term of residential confinement pursuant to NRS 209.392, 209.3923, 209.3925 or 209.429; or

(2) Participate in a correctional program for reentry into the community pursuant to NRS 209.4887.

~~[Section 1.]~~ *Sec. 1.9.* NRS 209.247 is hereby amended to read as follows:

209.247 *1.* Except as otherwise provided in NRS 209.2475 ~~[,]~~ *and subsection 4 of section 1.1 of this act and subject to the limitation set forth in subsection 2,* the Director may make the ~~[following]~~ deductions ~~[, in the following order of priority,]~~ *described in subsection 3* from any money deposited in the individual account of an offender from any source other than the offender's wages. ~~[:~~

~~1.]~~ *2. The Director may not deduct more than 25 percent of each deposit described in subsection 1.*

3. The Director may deduct:

(a) In the following order of priority:

(1) An amount the Director ~~[deems]~~ *considers* reasonable ~~[for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260.~~

~~2.]~~ *to meet an existing obligation of the offender for restitution to a victim of his or her crime;*

(2) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of the offender's family *;* ~~[.~~

~~2. An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime.~~

~~3. An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260.~~

~~4.]~~ *(3)* An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department ~~[. An]~~ *, and any* amount deducted pursuant to this ~~[subsection]~~ *subparagraph* may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both *;* ~~[.~~

~~4. 5.]~~ *(4)* A deduction pursuant to NRS 209.246 *;* ~~[.~~

~~5.]~~ *(5)* An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for the offender's ~~[funeral.~~

~~6.]~~ *funeral;*

(6) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260;

(7) An amount the Director considers reasonable to ~~[meet an existing obligation of]~~ *pay the balance of any fee imposed upon* the offender for ~~[restitution to a victim of his or her crime.]~~ *genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915 ; ~~[.~~*

~~7.]~~ *(8)* An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted ~~[. An]~~ *, and any* amount deducted from a source other than the wages earned by the offender during his or her incarceration, pursuant to this ~~[subsection,]~~ *subparagraph,* must be submitted:

~~[(a)]~~ *(1)* If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated ~~[.~~

~~(b)]~~ *; or*

(II) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid. ~~[.~~

~~8.]~~ *; and*

(9) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted. ~~[. An]~~ *, and any* amount deducted from any source other than the wages earned by the offender during his or her incarceration, pursuant to this ~~[subsection,]~~ *subparagraph,* must be submitted:

~~[(a)]~~ *(I)* If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he or she is incarcerated. ~~[.~~

~~(b)]~~ *; or*

(II) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which any fine or administrative assessment is owing, until the balance owing has been paid. ~~[.~~

~~9. An amount~~ the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915. ~~*determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for the funeral of the offender.*~~

~~➥ The Director shall determine the priority of any]~~ *; and*

(b) Any other deduction authorized by law from any source other than the wages earned by the offender during his or her incarceration. ~~[.]~~ *, the deduction of which must be made in an order of priority determined by the Director.*

Sec. 2. NRS 209.463 is hereby amended to read as follows:

209.463 *1.* Except as otherwise provided in NRS 209.2475, *and subject to the limitation set forth in subsection 2,* the Director may make the ~~[following]~~ deductions ~~[, in the following order of priority,]~~ *described in subsection 3 or 4, as applicable,* from the wages earned by an offender from any source during the offender's incarceration. ~~[.~~

~~1.]~~ *2. The Director may not deduct more than 50 percent of the wages described in subsection 1 for each pay period of the offender.*

3. If the hourly wage of the offender is equal to or greater than the federal minimum wage ~~[.]~~ *, the Director may deduct:*

(a) *In the following order of priority:*

(1) An amount the Director ~~[deems]~~ *considers* reasonable ~~[for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.~~

~~(b)]~~ *to meet an existing obligation of the offender for restitution to a victim of his or her crime;*

(2) An amount the Director considers reasonable to meet an existing obligation of the offender for the support of his or her family *;* ~~[.~~

~~*(b) An amount the Director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his or her crime.*~~

~~(c)]~~ *(3)* An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries *;* ~~[.~~

~~(d) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.~~

~~(e)]~~ *(4)* An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the Department ~~[. An]~~ *, and any* amount deducted pursuant to this ~~[paragraph]~~ *subparagraph* may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both *;* ~~[.~~

~~(f) *(c)]~~ *(5)* A deduction pursuant to NRS 209.246 *;* ~~[.~~

~~(g) *(f)]~~ *(6) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund ;* ~~[.~~

~~*(g)]~~ *(7)* An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his or her release or, if the offender dies before his or her release, to defray expenses related to arrangements for his or her funeral *;* ~~[.~~

~~(h)]~~ *(8)* An amount the Director considers reasonable ~~[to meet an existing obligation of the offender for restitution to any victim of his or her crime.]~~ *for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime ;* ~~[.~~

~~(i)]~~ *(9)* An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915 *;* ~~[.~~

~~(j)]~~ *(10)* An amount the Director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted ~~[. An]~~ *, and any* amount deducted from the wages of the offender pursuant to this ~~[paragraph]~~ *subparagraph* must be submitted:

~~[(1)]~~ *(I)* If the offender does not have an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated~~[.~~

~~(2)]~~ *; or*

(II) If the offender has an administrative assessment owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which an administrative assessment is owing, until the balance owing has been paid~~[.~~

~~(k)]~~ *; and*

(11) An amount the Director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which the offender is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which the offender was previously convicted~~[. An]~~ *, and any* amount deducted from the wages of the offender pursuant to this ~~[paragraph]~~ *subparagraph* must be submitted:

~~[(1)]~~ *(I)* If the offender does not have a fine owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which the offender is incarcerated~~[.~~

~~(2)]~~ *; or*

(II) If the offender has a fine owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which a fine or administrative assessment is owing, until the balance owing has been paid~~[.~~

~~The Director shall determine the priority of any]~~ *; and*

(b) Any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration~~[.~~

~~2.]~~ *, the deduction of which must be made in an order of priority determined by the Director.*

4. If the hourly wage of the offender is less than the federal minimum wage ~~[.]~~ *, the Director may deduct,*

(a) *In the following order of priority:*

(1) An amount the Director ~~[deems]~~ *considers* reasonable ~~[for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.]~~ *to meet an existing obligation of the offender for restitution to a victim of his or her crime ;* ~~[.~~

~~(b)]~~ *(2)* An amount determined by the Director, with the approval of the Board, for deposit in the State Treasury for credit to the Fund for New Construction of Facilities for Prison Industries, but only if the offender is employed through a program for prison industries *;* ~~[.~~

~~(c) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund.~~

~~(d)]~~ *(3)* An amount determined by the Director, with the approval of the Board, to offset the cost of maintaining the offender in the institution, as

reflected in the budget of the Department ~~[. An]~~ *, and any* amount deducted pursuant to this ~~[paragraph]~~ *subparagraph* may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to NRS 209.4231 to 209.4244, inclusive, in a therapeutic community or a program of aftercare, or both *;* ~~[.~~

~~(e) *(d)]*~~ *(4)* A deduction pursuant to NRS 209.246 *;* ~~[.~~

~~(f) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915.~~

~~(g) *(e)]*~~ *(5) An amount determined by the Director for deposit in the individual account of the offender in the Prisoners' Personal Property Fund ;* ~~[.~~

~~*(f)]*~~ *(6)* An amount determined by the Director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to the offender's release or, if the offender dies before the offender's release, to defray expenses related to arrangements for the offender's funeral *;* ~~[.~~

~~*(g)]*~~ *(7) An amount the Director deems reasonable for deposit with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime* ~~[.~~

~~*(h)]*~~ *; and*

(8) An amount the Director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker analysis and included in the judgment entered against the offender pursuant to NRS 176.0915 ~~[.~~

~~The Director shall determine the priority of any]~~ *; and*

(b) Any other deduction authorized by law from the wages earned by the offender from any source during the offender's incarceration ~~[.]~~ *, the deduction of which must be made in an order of priority determined by the Director.*

Sec. 2.5. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 ~~[,]~~ *and section 1.3 of this act,* the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.

(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075; or

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 3. This act becomes effective on July 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 349 to Senate Bill No. 22 retains the new order of priority for deductions that the Director of Nevada's Department of Corrections may make from an offender's personal account or from an offender's wages. However, it provides that the Director may deduct no more than 25 percent of any single deposit to an offender's individual account and no more than 50 percent of any single deposit from the wages earned by an offender.

Additionally, the amendment requires the Director to provide an account statement broken down by month to each offender detailing the total amount in the account, the amount and date of each deduction, the reason for the deduction and the amount of any debts owed by the offender, including any outstanding restitution. These statements are to be provided to the offender at no charge twice a year.

Finally, the Director is to maintain a package program for each offender that is exempt from deductions and that may only be restricted under certain circumstances at the Director's discretion in relation to disciplinary segregation, administrative segregation or for medical reasons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 229.

SUMMARY—Revises provisions relating to sex- or gender-based harassment in the Executive Department of the State Government. (BDR 23-243)

AN ACT relating to state employees; prohibiting an employee of the Executive Department of the State Government from engaging in sex- or gender-based harassment; providing for the adoption and annual review of a policy for such employees concerning sex- or gender-based harassment; prescribing certain duties of an appointing authority relating to sex- or

gender-based harassment; creating the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division of Human Resource Management of the Department of Administration; providing for the investigation of a complaint by the Investigation Unit; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates the Division of Human Resource Management of the Department of Administration; and (2) requires the Division to administer provisions governing employees of the Executive Department of the State Government. (NRS 284.025) Section 2 of this bill: (1) declares that it is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment; and (2) prohibits such employees from engaging in such behavior against another employee, an applicant for employment or any other person in the workplace.

Section 3 of this bill requires the Administrator of the Division to adopt, maintain and annually review and update a policy for employees of the Executive Department concerning sex- or gender-based harassment. Section 3 also requires an appointing authority to provide each employee with a copy of the policy upon employment and any update of the policy.

Section 5 of this bill creates the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division. Section 4 of this bill requires an appointing authority to notify the Investigation Unit upon receipt of a complaint filed by an employee concerning sex- or gender-based harassment or discrimination. Section 4 additionally requires an appointing authority to notify certain other persons responsible for providing legal advice to the agency upon receipt of a complaint.

Section 5 requires the Investigation Unit to appoint an investigator to investigate any complaint regarding suspected harassment or discrimination based on sex or gender filed by an employee. Section 5 requires an investigator to prepare a written report of his or her findings at the conclusion of an investigation and submit the report to the Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose and certain other persons. Section 5 requires the appointing authority to: (1) review the report; (2) determine the appropriate resolution of the complaint; (3) notify the Investigation Unit in writing that a complaint has been resolved; and (4) retain a copy of the written report prepared by the investigator and the written notification of the resolution of the complaint. Finally, section 5 makes ~~[any]~~ certain information obtained by the investigator in the investigation of a complaint, contained in a written report of a complaint ~~[and]~~ or contained in a written resolution of a complaint confidential and prohibits its disclosure unless so ordered by the Administrator or his or her designee or a court of competent jurisdiction. Sections 5, 5.3 and 5.5 of this bill make this information confidential regardless of whether the provisions of a collective bargaining agreement requires the disclosure of such information. Section 6 of

this bill makes a conforming change to indicate the exception of such information from disclosure as a public record.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. It is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment.*

2. Sex- or gender-based harassment violates the policy of this State and is a form of unlawful discrimination based on sex or gender under state and federal law. An employee shall not engage in sex- or gender-based harassment against another employee, an applicant for employment or any other person in the workplace.

Sec. 3. *1. The Administrator shall adopt and maintain a policy concerning sex- or gender-based harassment. Such a policy must include, without limitation:*

(a) A definition of behavior that constitutes illegal sex- or gender-based harassment;

(b) Training requirements for employees concerning sex- or gender-based harassment;

(c) Training requirements for managerial or supervisory employees concerning equal employment opportunity; and

(d) A procedure for filing a complaint to report suspected harassment or discrimination based on sex or gender.

2. At least annually, the Administrator shall review the policy adopted pursuant to subsection 1 for compliance with relevant state and federal law and make any necessary updates to the policy.

3. An appointing authority shall provide each employee of the appointing authority with a copy of the policy adopted pursuant to subsection 1 upon commencement of employment and any update of the policy.

Sec. 4. *Upon receipt of a complaint filed by an employee alleging he or she is being harassed or discriminated against based on his or her sex or gender or has witnessed an employee being harassed or discriminated against based on his or her sex or gender, an appointing authority shall promptly notify the Sex- or Gender-Based Harassment and Discrimination Investigation Unit created by section 5 of this act and:*

1. A person designated by the appointing authority to handle issues relating to sex- or gender-based harassment and discrimination; or

2. The deputy attorney general or other counsel designated to act as an attorney for the agency.

Sec. 5. *1. The Sex- or Gender-Based Harassment and Discrimination Investigation Unit is hereby created within the Division.*

2. The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall promptly assign or appoint an investigator to investigate any complaint regarding suspected harassment or discrimination

based on sex or gender filed by an employee pursuant to the procedure established in accordance with section 3 of this act or received pursuant to section 4 of this act. An investigator assigned or appointed pursuant to this section shall inform each person involved in such an investigation of the provisions of subsection 6. The investigation must be conducted as discreetly and with as minimal disruption to the workplace as possible.

3. At the conclusion of the investigation, the investigator shall prepare a written report of his or her findings and submit the report to the Sex- or Gender-Based Harassment and Discrimination Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose or a person designated by the appointing authority to handle issues relating to sex- or gender-based harassment and discrimination and the deputy attorney general or other counsel designated to act as an attorney for the agency.

4. The Sex- or Gender-Based Harassment and Discrimination Investigation Unit shall notify a complainant when a report has been completed and forwarded to the appointing authority for review.

5. Upon receipt of a written report prepared pursuant to subsection 3, the appointing authority shall review the report and determine the appropriate resolution of the complaint. The appointing authority shall:

(a) Notify the Sex- or Gender-Based Harassment and Discrimination Investigation Unit in writing of its determination regarding the resolution of the complaint within 30 days after the date on which the resolution occurs; and

(b) Retain a copy of the written report prepared pursuant to subsection 3 and the written notification of the resolution of the complaint described in paragraph (a).

6. ~~[Any]~~ Except as otherwise provided in subsection 7, any information ~~[obtained]~~ that may be used to identify an employee who filed a complaint pursuant to section 4 of this act, a person who is the subject of such a complaint or a person who claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender that is:

(a) Obtained by the investigator in the investigation of a complaint pursuant to subsection 2 ~~[,]~~ ;

(b) Contained in a written report of a complaint retained pursuant to subsection 5 ~~[and]~~ ; or

(c) Contained in a written resolution of a complaint retained pursuant to subsection 5 ~~[are]~~ ,

➥ is confidential and must not be disclosed unless so ordered by the Administrator or his or her designee or a court of competent jurisdiction ~~[.]~~ upon a determination by the Administrator, designee or court, as applicable, that the interests of the public in disclosing the information outweigh the interests of the person about whom the information pertains in maintaining the confidentiality of the information. Such information must not be disclosed until after the conclusion of the investigation.

7. The provisions of subsection 6 do not apply to any information that may be used to identify an elected officer in the Executive Department who:

(a) Filed a complaint pursuant to section 4 of this act;

(b) Is the subject of such a complaint; or

(c) Claims to have witnessed an employee being harassed or discriminated against based on his or her sex or gender.

8. In the event of a conflict between this section and the provisions of a collective bargaining agreement entered into pursuant to NRS 288.400 to 288.630, inclusive, the provisions of this section prevail.

Sec. 5.3. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. ~~[To]~~ *Except as otherwise provided in section 5 of this act, to* the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 5.5. NRS 288.505 is hereby amended to read as follows:

288.505 1. Each collective bargaining agreement must be in writing and must include, without limitation:

(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.

(b) A provision which provides that an officer of the Executive Department shall, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.

(c) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only to the extent of legislative appropriation.

2. Except as otherwise provided in subsections 3 and 4, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.

3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 284.390,

➥ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

4. An employee in a bargaining unit who is aggrieved by the failure of the Executive Department or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.

5. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:

(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.

(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

(c) ~~[A]~~ *Except as otherwise provided in section 5 of this act, a* provision of chapter 284 or 287 of NRS or NRS 288.570, 288.575 or 288.580, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, within the limits of legislative appropriations and any other available money.

Sec. 6. 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 5 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. 7. This act becomes effective upon passage and approval.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 229 to Senate Bill No. 51 declares that information used to identify an employee in a complaint, report or resolution document must be kept confidential, unless ordered by the Administrator of the Division of Human Resources Management, his or her designee or a court. It provides that before such information may be disclosed, the investigation must be complete and a determination made whether the interests of public disclosure outweigh the interests of the employee. It specifies that this information does not apply to that which may be used to identify an elected official. It clarifies that these provisions prevail over conflicting provisions in any collective bargaining agreement.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 67.

Bill read second time.

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

Amendment No. 400.

SUMMARY— ~~[Revises provisions relating to]~~ Creates a pilot program to gather data on the use of job order contracts for certain public works. (BDR ~~[28-400)]~~ S-400)

AN ACT relating to public works; creating a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District; temporarily authorizing ~~[a public body]~~ the governing bodies of those entities to enter into a job order contract for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; revising provisions relating to the expedited process by which the State or a local government solicits bids and awards contracts for certain smaller public works projects or completes such projects itself; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) ~~[Section 2]~~ Sections 1 and 15 of this bill establish a 4-year pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District. As part of that pilot program, section 7 of this bill ~~[creates a new alternative procedure for awarding a contract for a public work by authorizing]~~ authorizes a public body to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. Section ~~[2 requires such]~~ 3 of this bill defines "public body" for purposes of this authorization to mean Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District. Section 6 of this bill provides that any requirement prescribed by provisions governing public works for a contract for a public work for which the estimated cost for the public work is the same as the estimated cost for the job order contract applies to a job order contract, including certain requirements relating to the use of apprentices and

the payment of prevailing wages. Section 7 of this bill requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. Section ~~[2]~~ 7 also : (1) provides that a job order contract must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) limits the total dollar amount of job order contracts that may be awarded annually by each public body. ~~[Section 11 of this bill makes a conforming change as a result of this additional authority for a local government to use job order contracting to award a contract for a public work.]~~

Section ~~[3]~~ 8 of this bill prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. Section ~~[4]~~ 9 of this bill requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. Section ~~[4]~~ 9 also prescribes: (1) the contents of such advertisements ~~[;]~~ or similar solicitation documents; and (2) requirements for proposals. ~~[Sections 5 and 15]~~ Section 10 of this bill ~~[make]~~ makes any document or other information submitted to a public body in response to a request for proposals or similar solicitation document for a job order contract confidential and ~~[prohibit]~~ prohibits the disclosure of any such document or information until notice of intent to award the contract is ~~[awarded.]~~ issued.

Section ~~[6]~~ 11 of this bill prescribes the method for selecting a contractor for a job order contract. Specifically, section ~~[6]~~ 11 requires a public body or its authorized representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants. Section ~~[6]~~ 11 limits the initial term of a job order contract to 2 years and authorizes a public body to renew a job order contract for not more than ~~[3 years]~~ 1 year after the expiration of the initial term of the job order contract ~~[.]~~ or such other period of time as is necessary to complete any outstanding job order issued before the expiration of the initial contract, whichever is sooner.

Section ~~[7]~~ 12 of this bill prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or independent contractor. Section ~~[7]~~ 12 also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees . ~~[unless the contractor is able to demonstrate to the public body that the contractor or his or her employees have performed recent similar work.]~~

Section ~~[2]~~ 9 requires a job order contract to provide for the use of ~~[work]~~ job orders, which are defined in section ~~[10]~~ 3 of this bill as an order issued for a definite scope of work to be performed pursuant to a job order contract. Section ~~[8]~~ 13 of this bill ~~[prescribes certain requirements for a]~~ requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before performing any work required by a job order . ~~[and requires the approval of the governing body of a public body for any work order for~~

~~which the estimated cost exceeds $1,000,000.]~~ Section ~~[9]~~ 14 of this bill requires a public body to submit a quarterly report for the pilot program that contains certain information relating to ~~[work orders to the governing body of the public body on or before the end of each contract year of the job order contract.~~

~~Existing law provides for an expedited process by which the State or a local government solicits bids and awards contracts for certain public works projects for which the estimated cost is $100,000 or less to properly licensed contractors or completes such projects itself. (NRS 338.1386) Section 12 of this bill increases, from $100,000 to $250,000, the estimated cost of a public work eligible for this expedited process. Sections 13 and 14 of this bill make conforming changes to reflect the increase in the estimated cost of a public work eligible for the expedited process.]~~ job order contracts to the Director of the Legislative Counsel Bureau. Section 15 of this bill expires this bill by limitation on June 30, 2025.

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

Delete existing sections 1 through 15 of this bill and replace with the following new sections 1 through 15:

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

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

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

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

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

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

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

2. The Legislature therefore:

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

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

Sec. 2. As used in sections 1 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 338.010 and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

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

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

Sec. 5. "Public body" means:

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

Sec. 6. Any requirement prescribed by chapter 338 of NRS for a contract for a public work for which the estimated cost for the public work is the same as the estimated cost for a job order contract applies to the job order contract, including, without limitation, the requirements relating to the use of apprentices prescribed by NRS 338.01165 and the prevailing wage requirements prescribed by NRS 338.020, as applicable.

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

(a) Be for a fixed period;

(b) Provide for indefinite times of delivery and indefinite types and quantities of work;

(c) Provide for the use of job orders; and

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

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

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

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

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

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

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

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

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

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

(1) Any technical specifications for the work;

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

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

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

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

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

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

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

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

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

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

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

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

(a) The professional qualifications and experience of the applicant;

(b) An adjustment factor for each unit of work;

(c) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

(d) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;

(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

(f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

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

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

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

Sec. 11. 1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 9 of this act.

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

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

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

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

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

5. The initial term of a job order contract must not exceed 2 years. A public body may renew a job order contract for not more than 1 year after the expiration of the initial term of the contract or such other period of time as is

necessary to complete any outstanding job order issued before the expiration of the initial contract, whichever is sooner.

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

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

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

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

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

Sec. 13. A contractor shall submit a list of each subcontractor whom the contractor intends to engage for work on a job order before performing any work required by the job order. A contractor shall notify the public body of any substitution made to the list as soon as practicable.

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

1. A list of each job order issued;

2. The cost of each job order issued; and

3. A list of each subcontractor hired to perform work for each job order.

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 400 makes the following changes to Senate Bill No. 67. It deletes the provisions of the original bill and provides for the establishment of a four-year pilot program to gather data on the use of job-order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District. It prescribes the qualifications of a contractor who wishes to enter into a job-order contract must meet, the requirements to advertise requests for proposals or similar solicitation documents and the method for selecting a contractor for a job-order contract. It requires certain submissions by a contractor. The bill requires a public body to submit a quarterly report for the pilot program that contains certain information relating to job-order contracts to the Director of LCB.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 77.

Bill read second time.

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

Amendment No. 383.

SUMMARY—Revises provisions relating to public bodies. (BDR 19-466)

AN ACT relating to public bodies; exempting certain predecisional and deliberative meetings of public bodies from the requirements of the Open Meeting Law; ~~[making certain information related to such meetings confidential;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) Existing federal law exempts certain predecisional interagency or intraagency memorandums or letters that are part of the deliberative process from disclosure under the federal Freedom of Information Act. (5 U.S.C. § 552) Sections 1 and 2 of this bill exempt from the requirements of the Open Meeting Law certain meetings conducted by a public body for the purpose of engaging in predecisional and deliberative discussions relating to ~~[a decision]~~ an action under the federal National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.), including, without limitation, the review and discussion of drafts of environmental impact statements describing the environmental effects of proposed actions within the jurisdiction of the public body. ~~[Sections 1 and 3 of this bill provide, with limited exception, that any information or materials discussed or exchanged between the public body and a federal agency for the purpose of engaging in predecisional and deliberative discussions with a federal agency relating to the federal National Environmental Policy Act that is deemed confidential by the federal agency under the deliberative process privilege is confidential and not a public record until the privilege expires or the federal agency determines that such information is no longer protected.]~~

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[1.]*~~ *A public body that has entered into a memorandum of understanding or other agreement with a federal agency for the purpose of engaging with the federal agency on ~~[a decision]~~ an action under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., may hold a closed meeting to engage in predecisional and deliberative discussions on the subject of the memorandum or agreement. Any such discussions in a closed meeting must:*

~~*[(a)]*~~ *1. Occur only during the period before ~~[a decision is adopted by the federal agency under the National Environmental Policy Act; and~~*

~~*(b)]*~~ *the federal agency publicly releases the document addressing the action under the National Environmental Policy Act and begins the corresponding public comment period; and*

2. Be required by the federal agency to be kept confidential under the memorandum of understanding or other agreement . ~~[with the federal agency.~~

~~*2. Except as otherwise required by court order, any information or materials discussed or exchanged between a public body and a federal agency for the purposes of engaging in predecisional and deliberative discussions*~~

~~*pursuant to subsection 1 that are deemed confidential by the federal agency under the deliberative process privilege pursuant to 5 U.S.C. § 552(b)(5) are confidential and not a public record for the purposes of chapter 239 of NRS until such time as the privilege expires or the federal agency determines that such information is no longer protected.]*~~

Sec. 2. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 1 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 3. ~~[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 1 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.~~] (Deleted by amendment.)

Sec. 4. This act becomes effective upon passage and approval.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 383 makes the following changes to Senate Bill No. 77. It clarifies that any closed meeting must occur only during the period before the federal agency releases the document addressing the action under the National Environmental Policy Act and begins the corresponding public-comment period; be required by the federal agency to be kept confidential under the memorandum of understanding or other agreement. It deletes provisions providing that certain information or materials exchanged are confidential and not a public record.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 350.

SUMMARY— ~~[Revises provisions relating to public highways, roads and ways.]~~ Provides that an unlocked gate does not, in and of itself, constitute a public nuisance. (BDR 15-440)

AN ACT relating to ~~[property; making it]~~ public nuisances; providing that an unlocked gate does not, in and of itself, constitute a public nuisance ; ~~[for a person to engage in certain activities relating to certain public ways; providing that the posting of certain signs on private property does not constitute a public nuisance under certain circumstances; authorizing an owner of private property upon which certain highways, roads or ways are located to commence certain civil actions; authorizing an owner of private property upon which certain public roads or ways are located to erect and maintain a fence or gate across such a road or way under certain circumstances; setting forth certain requirements relating to such fences and gates; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[makes it]~~ states that: (1) a public nuisance ~~[for a person, by force, threat, intimidation or any other unlawful means, to prevent or obstruct~~

~~the free passage or transit over or through certain highways, roads, state lands or other public lands or lands dedicated to public use or to knowingly misrepresent the status of or assert any right to the exclusive use and occupancy of those highways, roads, state lands or other public lands or lands dedicated to public use, if the person has no leasehold interest in or claim or color of title to the highway, road, state land or other public land or land dedicated to public use.]~~ is a crime against the order and economy of the State; and (2) a person commits a public nuisance if he or she engages in certain activities. (NRS 202.450) A person who commits or maintains a public nuisance for which no special punishment is prescribed is guilty of a misdemeanor and a court may order the person to abate the nuisance and pay a civil penalty of not less than $500 but not more than $5,000. (NRS 202.470, 202.480) Section 1 of this bill ~~[makes it]~~ revises the provisions setting forth the activities that constitute a public nuisance ~~[for a person to engage in such activities with respect to certain additional public ways. Section 1 also specifies that knowingly misrepresenting the status of or asserting any right to the exclusive use and occupancy of such highways, roads, ways or lands may be accomplished by any means, including posting a "no trespassing" sign or other sign indicating that such a highway, road, way or land is private property or communicating such an indication verbally. However, section 1 further provides that it is]~~ to specify that an unlocked gate does not , in and of itself, constitute a public nuisance . ~~[for an owner of private property upon which certain highways, roads or ways are located to post a sign on his or her property indicating that the property is private property if, next to such a sign, the owner also posts a sign indicating that members of public may access the highway, road or way located on the property.]~~ Sections 3-5 of this bill make conforming changes to reflect the addition of the ~~[provisions of]~~ provision made by section 1.

~~[Section 2 of this bill authorizes an owner of private property upon which certain highways, roads or ways are located who suffers damage or injury as a result of another person's use of such a highway, road or way to bring a civil action against the person for actual damages, and reasonable attorney's fees.~~

~~Section 6 of this bill authorizes an owner of private property upon which certain public roads, unpaved county roads or public ways are located to erect and maintain a fence or gate across such a road or way if he or she submits a request to and is approved by the governmental entity that has jurisdiction over the road or way. Section 6 authorizes a governmental entity to approve such a request if it determines that the proposed fence or gate will not greatly inconvenience the traveling public. Section 6 also: (1) sets forth certain requirements for fences and gates erected and maintained pursuant to section 6; and (2) requires that certain signage be posted and maintained advising members of the public of certain information relating to the public road or way. Sections 1, 6 and 7 of this bill provide that a fence or gate erected and maintained pursuant to section 6 does not: (1) constitute a public nuisance prohibited by existing law; or (2) violate certain provisions of existing law~~

~~making it a public offense to obstruct a road, street or alley. (NRS 202.450, 405.230)]~~

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

Section 1. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the State.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted as a gaming activity;

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor or controlled substance analog is unlawfully sold, served, stored, kept, manufactured, used or given away;

(f) That is regularly and continuously used by the members of a criminal gang to engage in, or facilitate the commission of, crimes by the criminal gang; or

(g) Where vagrants resort,

➥ is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

(a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;

(b) Offends public decency;

(c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or

(d) In any way renders a considerable number of persons insecure in life or the use of property,

➥ is a public nuisance.

4. A building or place which was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog is a public nuisance if the building or place has not been deemed safe for habitation by the board of health and:

(a) The owner of the building or place allows the building or place to be used for any purpose before all materials or substances involving the controlled substance, immediate precursor or controlled substance analog have been removed from or remediated on the building or place by an entity certified or licensed to do so; or

(b) The owner of the building or place fails to have all materials or substances involving the controlled substance, immediate precursor or controlled substance analog removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

5. It ~~*[Except as otherwise provided in subsection 6 and section 6 of this act, it]*~~ is a public nuisance for any person:

(a) By force, threat or intimidation, or by fencing or otherwise enclosing, or by any other unlawful means, to prevent or obstruct the free passage or transit over or through any:

(1) Highway designated as a United States highway;

(2) Highway designated as a state highway pursuant to NRS 408.285;

(3) Main, general or minor county road designated pursuant to NRS 403.170;

(4) Public road, as defined in subsection 2 of NRS 405.191;

(5) ~~*[Public way;]*~~

~~*[(6)]*~~ State land or other public land; or

(6) ~~*[(7)]*~~ Land dedicated to public use; or

(b) To knowingly misrepresent the status of or assert any right to the exclusive use and occupancy of such a highway, road, ~~*[way,]*~~ state land or other public land or land dedicated to public use , ~~*[by any means, including, without limitation, posting a "no trespassing" sign or other sign indicating that such a highway, road, way, state land or other public land or land dedicated to public use is private property or communicating such an indication verbally,]*~~

➥ if the person has no leasehold interest, claim or color of title, made or asserted in good faith, in or to the highway, road, ~~*[way,]*~~ state land or other public land or land dedicated to public use.

6. ~~*[It is]*~~ *An unlocked gate does not , in and of itself, constitute a public nuisance .* ~~*[for an owner of private property upon which a highway, road or public way described in subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 5 is located to post on his or her property, in a manner that would otherwise constitute a public nuisance pursuant to subsection 5, a sign indicating that the property is private property if, next to such a sign, the owner also posts a sign indicating that members of the public may access the highway, road or way.]*~~

7. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

~~[7.]~~ *8.* A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

(a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or

(b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

➥ A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

~~[8.]~~ *9.* A request for emergency assistance by a tenant as described in NRS 118A.515 and 118B.152 is not a public nuisance.

~~[9.]~~ *10.* As used in this section:

(a) "Board of health" has the meaning ascribed to it in NRS 439.4797.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Criminal gang" has the meaning ascribed to it in NRS 193.168.

(d) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(e) ~~*["Public way" means any way, including, without limitation, an easement for public access or a public right-of-way, which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes or which is described by words of similar import. The term does not include a utility easement or any highway or road specified in subparagraphs (1) to (4), inclusive, of paragraph (a) of subsection 5.*~~

~~*(f)]*~~ "Shooting range" has the meaning ascribed to it in NRS 40.140.

(f) ~~*[(g)]*~~ "State land" has the meaning ascribed to it in NRS 383.425.

Sec. 2. ~~[Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*If an owner of private property upon which a highway, road or public way described in subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 5 of NRS 202.450 suffers damage or injury as a result of another person's use of the highway, road or way, the owner may commence a civil action against the person to recover the actual damages suffered by the owner and reasonable attorney's fees.]~~ (Deleted by amendment.)

Sec. 3. NRS 244.363 is hereby amended to read as follows:

244.363 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[7]~~ *8* of NRS 202.450, the boards of county commissioners in their respective counties may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or

which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the county.

Sec. 4. NRS 266.335 is hereby amended to read as follows:

266.335 The city council may:

1. Except as otherwise provided in subsections 3 and 4 of NRS 40.140 and subsections ~~[7 and]~~ *6,* 8 *and 9* of NRS 202.450, determine by ordinance what shall be deemed nuisances.

2. Provide for the abatement, prevention and removal of the nuisances at the expense of the person creating, causing or committing the nuisances.

3. Provide that the expense of removal is a lien upon the property upon which the nuisance is located. The lien must:

(a) Be perfected by recording with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.

(b) Be coequal with the latest lien thereon to secure the payment of general taxes.

(c) Not be subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Provide any other penalty or punishment of persons responsible for the nuisances.

Sec. 5. NRS 268.412 is hereby amended to read as follows:

268.412 Except as otherwise provided in subsection 3 of NRS 40.140 and subsection ~~[7]~~ *8* of NRS 202.450, the city council or other governing body of a city may, by ordinance regularly enacted, regulate, control and prohibit, as a public nuisance, excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the boundaries of the city.

Sec. 6. ~~[Chapter 405 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. An owner of private property upon which a public road or way is located may erect and maintain a fence or gate across the public road or way if:*~~

~~*(a) The owner submits a request to the governmental entity which has jurisdiction over the public road or way; and*~~

~~*(b) The governmental entity approves the request pursuant to subsection 2.*~~

~~*2. A governmental entity may approve a request submitted by an owner pursuant to subsection 1 if the governmental entity determines that the proposed fence or gate will not greatly inconvenience the traveling public. The governmental entity may impose such conditions on the erection and maintenance of the fence or gate as it determines necessary for the safety and convenience of the traveling public.*~~

~~*3. If an owner erects and maintains a fence across a public road or way pursuant to this section, the owner shall maintain a gate at a location on the*~~

~~*property through which members of the public may access the public road or way.*~~

~~*— 4. Any gate erected and maintained across a public road or way pursuant to this section must be kept unlocked and in such condition as to allow members of the public to access the road or way without unnecessary delay.*~~

~~*— 5. A conspicuous sign must be posted and maintained upon each gate described in subsections 3 and 4 which advises the reader that:*~~

~~*— (a) A public road or way is located on the property;*~~

~~*— (b) Members of the public may access the public road or way; and*~~

~~*— (c) Members of the public who access the public road or way through the gate must, if the gate was shut before passing through it, shut the gate after such passage, and must otherwise leave the property in the same condition as when they entered.*~~

~~*— 6. A fence or gate that is erected and maintained pursuant to this section does not constitute:*~~

~~*— (a) A public nuisance pursuant to NRS 202.450; or*~~

~~*— (b) A violation of NRS 405.230.*~~

~~*— 7. As used in this section, "public road or way" means:*~~

~~*— (a) A public road, as defined in subsection 2 of NRS 405.191;*~~

~~*— (b) A public way, as defined in NRS 202.450; or*~~

~~*— (c) A general or minor county road designated pursuant to NRS 403.170 which is unpaved.]*~~ (Deleted by amendment.)

Sec. 7. ~~[NRS 405.230 is hereby amended to read as follows:~~

~~— 405.230 — 1. —~~ [Any] *Except as otherwise provided in section 6 of this act, a* ~~person who, in any manner, obstructs any road, street or alley, or in any manner damages it or prevents travel thereon, or who obstructs, dams or diverts any stream or water so as to throw it, or cause the flowage thereof, upon, across or along the pathway of any road, highway, street or alley is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the extent of damage to the section of the road, street, alley or highway damaged, and in no event less than a misdemeanor.~~

~~— 2. The court before which the conviction is had shall order the sheriff or any constable of the county to abate, as a nuisance, any fence or other obstruction, to the free and convenient use and travel of the road, street or alley, or any obstruction from the stream so as to allow it to flow in its natural bed.~~

~~— 3. The department of public works or any other appropriate county agency is authorized to remove from the highways any unlicensed obstacle or encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, before the expiration of 5 days after personal service of notice and demand upon the owner of the obstacle or encroachment or the owner's agent. In lieu of personal service upon that person or the person's agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the obstacle or encroachment described in the notice. Removal by the department or other agency of the obstacle or encroachment on the failure~~

~~of the owner to comply with the notice and demand gives the department or other agency a right of action to recover the expense of the removal, investigative costs, attorney's fees, cost and expenses of suit, and in addition thereto the sum of $250 for each day the obstacle or encroachment remains after the expiration of 5 days from the service of the notice and demand.~~

~~4. As used in this section, "obstacles or encroachments" mean any objects, materials or facilities not owned by the county that are placed within a right-of-way of the county for storage purposes or decorative improvements for front lots that are not a part of a highway facility. The term does not include vehicles parked in a lawful manner within that right-of-way.]~~ (Deleted by amendment.)

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 350 to Senate Bill No. 94 replaces the bill and, instead, adds new language to section 1 providing that an unlocked gate does not, in and of itself, constitute a nuisance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 100.

Bill read second time.

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

Amendment No. 29.

SUMMARY—Enacts provisions governing the interstate practice of physical therapy. (BDR 54-153)

AN ACT relating to physical therapy; enacting and entering into the Physical Therapy Licensure Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Physical Therapy Licensure Compact is an interstate compact that allows a person who is licensed as a physical therapist or physical therapist assistant in a state that is a member of the Compact to practice as a physical therapist or physical therapist assistant in other states that are members of the Compact. In order to practice as a physical therapist or physical therapist assistant under the Compact, the Compact requires a physical therapist or physical therapist assistant to: (1) hold a license in his or her home state; (2) have no encumbrances on his or her license; (3) be eligible to practice under the Compact; (4) have had no adverse actions taken against any license or authority to practice under the Compact within the previous 2 years; (5) notify the Physical Therapy Compact Commission that he or she is seeking to practice under the Compact in another state; (6) pay any applicable fees; (7) meet any requirements in the state in which he or she seeks to practice under the Compact; and (8) report any adverse action taken against him or her within 30 days after the date the adverse action is taken. The Compact authorizes a member state to take adverse action against a physical therapist

or physical therapist assistant practicing in the member state under the Compact. The Compact requires member states to create and establish a joint public agency called the Physical Therapy Compact Commission. The Commission is required to: (1) establish bylaws; (2) make rules that facilitate and coordinate implementation and administration of the Compact; (3) hold meetings, which may be closed under certain conditions; (4) develop, maintain and use a coordinated database and reporting system; and (5) resolve disputes related to the Compact among states that are members of the Compact. The Commission is additionally authorized to levy and collect an annual assessment from each state that is a member of the Compact. Section 2 of this bill enacts the Physical Therapy Licensure Compact, thereby joining Nevada as a member state.

~~[Existing law creates the Nevada Physical Therapy Board to license and regulate physical therapists and physical therapist assistants in this State. (Chapter 640 of NRS) Section 4 of this bill requires the Nevada Physical Therapy Board to issue a written authorization to practice as a physical therapist or physical therapist assistant to each person who proves to the Board that he or she is qualified to practice as such under the Compact.]~~ Section 3 of this bill deems ~~[such a written authorization]~~ practicing as a physical therapist or physical therapist assistant under the Compact to be ~~[the]~~ equivalent ~~[of]~~ to practicing under a license ~~[under]~~ issued by the Nevada ~~[law. Section 5 of this bill makes a conforming change as a result of the provisions added in section]~~ Physical Therapy Board. Section 4 ~~[.]~~ of this bill requires a physical therapist practicing under the Compact to display proof that he or she is authorized to practice under the Compact in the same manner as a licensed physical therapist is required to display his or her license. Sections 6-12 of this bill replace the term "registered physical therapist" with the term "licensed physical therapist" to reflect current terminology used in existing law governing the practice of physical therapy and this bill.

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

Section 1. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Physical Therapy Licensure Compact, set forth in this section, is hereby enacted into law and entered into with all other jurisdictions legally joining the Compact, in substantially the form set forth in this section:*

PHYSICAL THERAPY LICENSURE COMPACT

ARTICLE I. PURPOSE

The purpose of this Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

2. Enhance the states' ability to protect the public's health and safety;

3. Encourage the cooperation of member states in regulating multistate physical therapy practice;

4. Support spouses of relocating military members;

5. Enhance the exchange of licensure, investigative and disciplinary information between member states; and

6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

ARTICLE II. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions apply:

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including, without limitation, members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

2. "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance or a combination of both.

3. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, without limitation, substance abuse issues.

4. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter.

5. "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.

6. "Data system" means a repository of information about licensees, including, without limitation, examination, licensure, investigative, compact privilege and adverse action.

7. "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

8. "Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

9. "Home state" means the member state that is the licensee's primary state of residence.

10. "Investigative information" means information, records and documents received or generated by a physical therapy licensing board pursuant to an investigation.

11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

12. "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

13. "Member state" means a state that has enacted the Compact.

14. "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

15. "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

16. "Physical therapist assistant" means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.

17. "Physical therapy," "physical therapy practice" and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

18. "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

20. "Remote state" means a member state, other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

21. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

22. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of physical therapy.

ARTICLE III. STATE PARTICIPATION IN THE COMPACT

1. To participate in the Compact, a state must:

(a) Participate fully in the Commission's data system, including, without limitation, using the Commission's unique identifier as defined in rules;

(b) Have a mechanism in place for receiving and investigating complaints about licensees;

(c) Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(d) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection 2;

(e) Comply with the rules of the Commission;

(f) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and

(g) Have continuing competence requirements as a condition for license renewal.

2. Upon adoption of this Compact, the member state may obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. § 534 and 34 U.S.C. § 40316.

3. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.

4. Member states may charge a fee for granting a compact privilege.

ARTICLE IV. COMPACT PRIVILEGE

1. To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:

(a) Hold a license in the home state;

(b) Have no encumbrance on any state license;

(c) Be eligible for a compact privilege in any member state in accordance with subsections 4, 7 and 8;

(d) Have not had any adverse action against any license or compact privilege within the previous 2 years;

(e) Notify the Commission that the licensee is seeking the compact privilege within a remote state;

(f) Pay any applicable fees, including, without limitation, any state fee, for the compact privilege;

(g) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and

(h) Report to the Commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

2. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection 1 to maintain the compact privilege in the remote state.

3. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

4. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

5. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(a) The home state license is no longer encumbered; and

(b) Two years have elapsed from the date of the adverse action.

6. Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of subsection 1 to obtain a compact privilege in any remote state.

7. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(a) The specific period of time for which the compact privilege was removed has ended;

(b) All fines have been paid; and

(c) Two years have elapsed from the date of the adverse action.

8. Once the requirements of subsection 7 have been met, the licensee shall meet the requirements in subsection 1 to obtain a compact privilege in a remote state.

ARTICLE V. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

1. Home of record;

2. Permanent change of station; or

3. State of current residence if it is different from the permanent change of station state or home of record.

ARTICLE VI. ADVERSE ACTIONS

1. A home state has the exclusive power to impose adverse action against a license issued by the home state.

2. A home state may take adverse action based on the investigative information of a remote state, if the home state follows its own procedures for imposing adverse action.

3. This Compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation must remain nonpublic if required by the member state's laws. Member states shall require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

4. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

5. A remote state may:

(a) Take adverse actions as set forth in subsection 4 of article IV against a licensee's compact privilege in the state.

(b) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located.

(c) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

6. Joint Investigations.

(a) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(b) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE VII. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

1. The Compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

(a) The Commission is an instrumentality of the Compact member states.

(b) Venue is proper and judicial proceedings by or against the Commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(c) This Compact must not be construed to be a waiver of sovereign immunity.

2. Membership, voting and meetings.

(a) Each member state is limited to one delegate selected by that member state's licensing board.

(b) The delegate shall be a current member of the licensing board and be a physical therapist, physical therapist assistant, public member or the board administrator.

(c) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(d) The member state board shall fill any vacancy occurring in the Commission.

(e) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

(f) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(g) The Commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws.

3. The Commission shall have the following powers and duties:

(a) Establish the fiscal year of the Commission;

(b) Establish bylaws;

(c) Maintain its financial records in accordance with the bylaws;

(d) Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

(e) Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact with such rules having the force and effect of law and being binding in all member states;

(f) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(g) Purchase and maintain insurance and bonds;

(h) Borrow, accept or contract for services of personnel, including, without limitation, employees of a member state;

(i) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(j) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

(k) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall avoid any appearance of impropriety;

(l) Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(m) Establish a budget and make expenditures;

(n) Borrow money;

(o) Appoint committees, including, without limitation, standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this Compact and the bylaws;

(p) Provide and receive information from, and cooperate with, law enforcement agencies;

(q) Establish and elect an Executive Board; and

(r) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

4. The Executive Board may act on behalf of the Commission according to the terms of this Compact:

(a) The Executive Board shall be composed of nine members:

(1) Seven voting members who are elected by the Commission from the current membership of the Commission;

(2) One ex officio, nonvoting member from the recognized national physical therapy professional association; and

(3) One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(b) The ex officio members shall be selected by their respective organizations.

(c) The Commission may remove any member of the Executive Board as provided in the bylaws.

(d) The Executive Board shall meet at least annually.

(e) The Executive Board shall:

(1) Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states, including, without limitation, annual dues, and any Commission Compact fee charged to licensees for the compact privilege;

(2) Ensure Compact administration services are appropriately provided, contractual or otherwise;

(3) Prepare and recommend the budget;

(4) Maintain financial records on behalf of the Commission;

(5) Monitor Compact compliance of member states and provide compliance reports to the Commission;

(6) Establish additional committees as necessary; and

(7) Other duties as provided in the rules or bylaws.

5. Meetings of the Commission.

(a) All meetings shall be open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in article IX.

(b) The Commission or the Executive Board or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Board or other committees of the Commission must discuss:

(1) Noncompliance of a member state with its obligations under the Compact;

(2) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

(3) Current, threatened or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(7) Disclosure of information of a personal nature if the disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Disclosure of investigative records compiled for law enforcement purposes;

(9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

(10) Matters specifically exempted from disclosure by federal or member state statute.

(c) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(d) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including, without limitation, a description of the views expressed. All documents considered in connection with an action must be identified in such minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

6. Financing of the Commission.

(a) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(b) The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(c) The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

(d) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission are subject to the audit and accounting procedures established under its bylaws. However,

all receipts and disbursements of funds handled by the Commission must be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

7. Qualified immunity, defense and indemnification.

(a) The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional, willful or wanton misconduct of that person.

(b) The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that this paragraph may not be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error or omission did not result from that person's intentional, willful or wanton misconduct.

(c) The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional, willful or wanton misconduct of that person.

(d) Nothing in this Compact provides immunity from civil or criminal liability for any act, error or omission from negligent conduct or intentional misconduct by any physical therapist or physical therapist assistant.

ARTICLE VIII. DATA SYSTEM

1. The Commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

2. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all

individuals to whom this Compact is applicable as required by the rules of the Commission, including, without limitation:

(a) Identifying information;

(b) Licensure data;

(c) Adverse actions against a license or compact privilege;

(d) Nonconfidential information related to alternative program participation;

(e) Any denial of application for licensure and the reason for such denial; and

(f) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

3. Investigative information pertaining to a licensee in any member state will only be available to other party states.

4. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

5. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

6. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

ARTICLE IX. RULEMAKING

1. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted pursuant to this article. Rules and amendments shall become binding as of the date specified in each rule or amendment.

2. If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

3. Rules or amendments to the rules must be adopted at a regular or special meeting of the Commission.

4. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

(a) On the website of the Commission or other publicly accessible platform; and

(b) On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

5. The Notice of Proposed Rulemaking must include, without limitation:

(a) The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

(b) The text of the proposed rule or amendment and the reason for the proposed rule;

(c) A request for comments on the proposed rule from any interested person; and

(d) The manner in which interested persons may submit notice to the Commission of the interested persons' intentions to attend the public hearing and any written comments.

6. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which must be made available to the public.

7. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(a) At least 25 persons;

(b) A state or federal governmental subdivision or agency; or

(c) An association having at least 25 members.

8. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

(a) All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

(b) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(c) All hearings must be recorded. A copy of the recording must be made available on request.

(d) This article may not be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.

9. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

10. If written notice of intent to attend the public hearing by interested parties is not received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

11. By majority vote of all members, the Commission shall take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

12. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided

in the Compact and in this article must be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:

(a) Meet an imminent threat to public health, safety or welfare;

(b) Prevent a loss of Commission or member state funds;

(c) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(d) Protect public health and safety.

13. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If a challenge is not made, the revision must take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE X. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

1. Oversight.

(a) The executive, legislative and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated under this Compact have standing as statutory law.

(b) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

(c) The Commission is entitled to receive service of process in any such proceeding and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

2. Default, technical assistance and termination.

(a) If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the Commission; and

(2) Provide remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

(d) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including, without limitation, obligations that extend beyond the effective date of termination.

(e) The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(f) The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including, without limitation, reasonable attorney's fees.

3. Dispute resolution.

(a) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

(b) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

4. Enforcement.

(a) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

(b) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including, without limitation, reasonable attorney's fees.

(c) The remedies herein are not the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

ARTICLE XI. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

1. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, are limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

2. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

3. Any member state may withdraw from this Compact by enacting a statute repealing the same.

(a) A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

4. This Compact shall not be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

5. This Compact may be amended by the member states. An amendment to this Compact shall not become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII. CONSTRUCTION AND SEVERABILITY

This Compact must be liberally construed so as to effectuate the purposes of the Compact. The provisions of this Compact are severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability of the remainder of this Compact to any government, agency, person or circumstance shall not be affected thereby. If this Compact is held contrary to the constitution of any party state, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

Sec. 3. *Except as otherwise required by the Physical Therapy Licensure Compact enacted by section 2 of this act* ~~[:~~

~~1. A written authorization]~~ *, privilege to practice as a physical therapist or physical therapist assistant in this State under* ~~[compact privilege issued~~

~~*pursuant to NRS 640.110]*~~ *the Compact shall be deemed to be equivalent to the corresponding license for all purposes* . ~~*[; and*~~

~~*2. A person practicing as a physical therapist or physical therapist assistant under compact privilege pursuant to the Physical Therapy Licensure Compact enacted by section 2 of this act shall be deemed to be licensed to practice as a physical therapist or physical therapist assistant, as applicable, in this State.]*~~

Sec. 4. NRS 640.110 is hereby amended to read as follows:

640.110 1. The Board shall ~~*[issue a]*~~ license as a physical therapist or physical therapist assistant ~~*[or a written authorization to practice as a physical therapist or physical therapist assistant under compact privilege pursuant to the Physical Therapy Licensure Compact enacted by section 2 of this act to]*~~ each applicant who proves to the satisfaction of the Board his or her qualifications for licensure . ~~*[or compact privilege, as applicable.]*~~

2. The Board shall issue to each applicant who proves to the satisfaction of the Board his or her qualification for licensure:

(a) As a physical therapist, a license as a physical therapist. The license authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.

(b) As a physical therapist assistant, a license as a physical therapist assistant. The license authorizes the applicant to represent himself or herself as a licensed physical therapist assistant and to practice as a licensed physical therapist assistant subject to the conditions and limitations of this chapter.

3. ~~*[The Board shall issue to each applicant who proves to the satisfaction of the Board his or her qualification to practice under compact privilege:*~~

~~*(a) As a physical therapist, a written authorization to practice as a physical therapist. The written authorization authorizes the applicant to represent himself or herself as a licensed physical therapist and to practice physical therapy in the State of Nevada subject to the conditions and limitations of this chapter.*~~

~~*(b) As a physical therapist assistant, a written authorization to practice as a physical therapist assistant. The written authorization authorizes the applicant to represent himself or herself as a licensed physical therapist assistant and to practice as a licensed physical therapist assistant subject to the conditions and limitations of this chapter.*~~

~~*4.]*~~ Each physical therapist shall display his or her current license *or* ~~*[written authorization, as applicable,]*~~ *proof that he or she is authorized to practice in this State under the Physical Therapy Licensure Compact enacted by section 2 of this act, as applicable,* in a location which is accessible to the public.

4. ~~*[5.]*~~ The Board may charge a fee, not to exceed $25, to change a name on a license .

5. ~~*[or written authorization.*~~

~~*6.]*~~ A license ~~*[or written authorization]*~~ as a physical therapist assistant remains valid while a supervising physical therapist continues to supervise the physical therapist assistant.

Sec. 5. ~~[NRS 640.155 is hereby amended to read as follows:~~

~~640.155 1. After conducting an inspection pursuant to NRS 640.050, a member or agent of the Board may issue a citation to a licensee if the member or agent concludes that, based on a preponderance of the evidence, the licensee has violated:~~

~~(a) Subsection [3] 4 of NRS 640.110;~~

~~(b) Any regulation of the Board that requires a licensee to provide his or her address to the Board, display his or her license or a copy thereof, practice only under the name listed on his or her license or document in the record of a patient any treatment provided to the patient; or~~

~~(c) Any regulation of the Board establishing requirements for the supervision of an unlicensed person by a physical therapist or limiting the number of persons who may be supervised by a physical therapist.~~

~~2. A citation issued pursuant to this section may include, without limitation, an order to:~~

~~(a) Take action to correct any condition resulting from any act that constitutes a violation of a provision set forth in subsection 1, at the cost of the person who committed the violation. If the citation contains such an order, the citation must:~~

~~(1) State the time permitted for compliance, which must be not less than 5 business days after the date the person receives the citation; and~~

~~(2) Specifically describe the corrective action to be taken.~~

~~(b) Pay an administrative fine not to exceed the amount prescribed pursuant to subsection 3.~~

~~(c) Reimburse the Board for any expenses incurred to investigate the violation, in an amount not to exceed $150.~~

~~3. Any administrative fine imposed pursuant to this section must be:~~

~~(a) For a first violation, in the amount prescribed by regulation of the Board, which must be not less than $100 or more than $500;~~

~~(b) For a second violation, in the amount prescribed by regulation of the Board, which must be not less than $250 or more than $1,000; and~~

~~(c) For a third violation and for each additional violation, in the amount determined by the Board after the licensee appears before the Board.~~

~~4. The sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.]~~ (Deleted by amendment.)

Sec. 6. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, ~~[registered]~~ *licensed* physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 7. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, ~~[registered]~~ *licensed* physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 8. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to

secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, ~~[but not limited to,]~~ *without limitation,* court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, ~~[registered]~~ *licensed* physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 9. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractor, physician, ~~[registered]~~ *licensed* physical therapist or licensed nurse who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 10. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, ~~[registered]~~ *licensed* physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 11. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, ~~[registered]~~ *licensed* physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 12. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist,

~~[registered]~~ *licensed* physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 13. This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 29 makes several changes to Senate Bill No. 100. The amendment deletes provisions requiring that a physical therapist or physical therapist's assistant practicing in this State under a compact privilege be deemed to be licensed to practice such professions, as applicable, in this State. It amends sections 3 and 4 to remove language providing that the Nevada Physical Therapy Board issue written authorizations granting the compact privilege, because the granting of the compact privilege is accomplished through the Compact. It amends section 4 and deletes section 5 to clarify the acceptable documents that a physical therapist practicing in this State under a compact privilege must display in a location that is accessible to the public. It amends section 4 to delete the authorization for the Board to charge a fee to change a name on a written authorization.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 431.

SUMMARY—Revises the date by which children must be at least a certain age to be admitted to certain grades of school. (BDR 34-479)

AN ACT relating to education; changing the date by which a child must be at least a certain age to be admitted to certain grades of school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child to be 5 years of age on or before September 30 to be admitted to kindergarten at the beginning of the school year. In addition to other requirements, existing law requires a child to be 6 years of age on or before September 30 to be admitted to the first grade, and 7 years of age on or before September 30 to be admitted to the second grade. (NRS 392.040) This bill changes the date by which a child must attain a certain age to start certain grades at the beginning of the school year from September 30 to August ~~[1.]~~ 7.

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

Section 1. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[September 30]~~ *August* ~~*[1]*~~ *7* of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[September 30]~~ *August* ~~*[1]*~~ *7* of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[September 30]~~ *August* ~~*[1]*~~ *7* of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[September 30]~~ *August* ~~*[1]*~~ *7* of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[September 30]~~ *August* ~~*[1]*~~ *7* of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~[September 30]~~ *August* ~~*[1]*~~ *7* of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before ~~[September 30]~~ *August ~~[1]~~ 7* of the next school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective ~~[upon]~~ :

(a) Upon passage and approval ~~[.]~~ for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, 2022, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 431 to Senate Bill No. 102 changes the date by which a child must be a certain age to begin certain grades from September 30 to August 7, and it revises the effective date of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 260.

SUMMARY—Exempts certain products for the treatment of ~~[domestic]~~ certain animals from regulation under state law. (BDR 54-821)

AN ACT relating to pharmacy; exempting certain veterinary biologic products for the treatment of ~~[domestic]~~ certain animals from regulation under state law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law regulates viruses, serums, toxins and analogous products for use in the treatment of domestic animals. (21 U.S.C. § 154) That federal law preempts any state law that regulates viruses, serums, toxins and analogous products for use in the treatment of domestic animals. (57 Fed. Reg. 38,758, 38,759 (August 27, 1992); *Lynnbrook Farms v. Smithkline Beecham Corp.*, 79 F.3d 620, 624-30 (7th Cir. 1996)) In accordance with federal law, this bill excludes ~~[viruses, serums, toxins and analogous]~~ certain veterinary biologic products for ~~[use in the treatment of domestic animals]~~ administration to certain livestock from regulation under Nevada law governing drugs and medicines.

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

Section 1. ~~[NRS 639.005 is hereby amended to read as follows:~~

~~639.005 "Chemical" means all chemicals intended, designed and labeled for use in the cure, treatment, mitigation or prevention of disease in humans or other animals. *The term does not include any virus, serum, toxin or analogous product for use in the treatment of domestic animals.]*~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 639.007 is hereby amended to read as follows:~~

~~639.007 *1.* "Drug" and "medicine" mean:~~

~~[1.] *(a)* Articles recognized in the official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;~~

~~[2.] *(b)* Articles and devices intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;~~

~~[3.] *(c)* Articles, other than food, aspirin and effervescent saline analgesics, intended to affect the structure or any function of the body of humans or other animals;~~

~~[4.] *(d)* Articles intended for use as a component of any article specified in [subsection 1, 2 or 3;] *paragraph (a), (b) or (c);* and~~

~~[5.] *(e)* Any controlled substance.~~

~~*2. "Drug" and "medicine" do not include any virus, serum, toxin or analogous product for use in the treatment of domestic animals.]~~ (Deleted by amendment.)

Sec. 2.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to a veterinary biologic product that is:

(a) Licensed for production under a product license; and

(b) Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

2. As used in this section:

(a) "Establishment license" means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) "Livestock" has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) "Product license" means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) "Veterinary biologic product" has the meaning ascribed to "biological product" in 9 C.F.R. § 101.2.

Sec. 3. ~~[NRS 453.081 is hereby amended to read as follows:~~

~~453.081 1. "Drug" means substances:~~

~~(a) Recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;~~

~~(b) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;~~

~~(c) Other than food, intended to affect the structure or any function of the bodies of humans or animals; and~~

~~(d) Intended for use as a component of any article specified in paragraph (a), (b) or (c).~~

~~2. "Drug" does not include [devices] :~~

~~*(a) Devices* or their components, parts or accessories.~~

~~*(b) Any virus, serum, toxin or analogous product for use in the treatment of domestic animals.]~~ (Deleted by amendment.)

Sec. 3.5. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to a veterinary biologic product that is:

(a) Licensed for production under a product license; and

(b) Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

2. As used in this section:

(a) "Establishment license" means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) "Livestock" has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) "Product license" means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) "Veterinary biologic product" has the meaning ascribed to "biological product" in 9 C.F.R. § 101.2.

Sec. 4. ~~[NRS 454.005 is hereby amended to read as follows:~~

~~454.005 "Chemical" includes all chemicals intended, designed and labeled for use in the cure, treatment, mitigation or prevention of disease in humans or other animals. *The term does not include any virus, serum, toxin or analogous product for use in the treatment of domestic animals.]*~~ (Deleted by amendment.)

Sec. 4.5. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to a veterinary biologic product that is:

(a) Licensed for production under a product license; and

(b) Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

2. As used in this section:

(a) "Establishment license" means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) "Livestock" has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) "Product license" means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) "Veterinary biologic product" has the meaning ascribed to "biological product" in 9 C.F.R. § 101.2.

Sec. 5. ~~[NRS 585.080 is hereby amended to read as follows:~~

~~585.080 1. "Drug" means:~~

~~(a) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;~~

~~(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals;~~

~~(c) Articles, other than food, intended to affect the structure or any function of the bodies of humans or other animals; and~~

~~(d) Articles intended for use as a component of any article specified in paragraph (a), (b) or (c).~~

~~2. "Drug" does not include [devices] :~~

~~*(a) Devices* or their components, parts or accessories.~~

~~*(b) Any virus, serum, toxin or analogous product for use in the treatment of domestic animals.]~~ (Deleted by amendment.)

Sec. 5.5. Chapter 585 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to a veterinary biologic product that is:

(a) Licensed for production under a product license; and

(b) Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

2. As used in this section:

(a) "Establishment license" means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive,

and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) "Livestock" has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) "Product license" means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) "Veterinary biologic product" has the meaning ascribed to "biological product" in 9 C.F.R. § 101.2.

Sec. 6. This act becomes effective upon passage and approval.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 260 to Senate Bill No. 112 deletes all sections of the bill except the effective date and, instead, provides for a veterinary biologic product, as specified, to be excluded from regulation under Nevada law. These products are to be administered only to certain livestock, specifically cattle, goats, pigs, sheep and poultry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 270.

SUMMARY—Authorizes food that contains certain components of hemp to be produced or sold at ~~[a]~~ certain food ~~[establishment]~~ establishments under certain circumstances. (BDR 49-65)

AN ACT relating to hemp; exempting ~~[a person who holds a permit to operate a]~~ operators of certain food ~~[establishment]~~ establishments from certain requirements relating to hemp under certain circumstances; requiring the Department of Health and Human Services to adopt certain regulations relating to food that contains certain components of hemp; authorizing ~~[a person who holds a permit to operate a]~~ operators of certain food ~~[establishment]~~ establishments to engage in certain activities related to the production and sale of food that contains certain components of hemp; prohibiting a food from being deemed to be adulterated solely because such food contains certain components of hemp; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various requirements on the growing and handling of hemp, the production of agricultural hemp seed and the sale of commodities and products that contain hemp. (NRS 439.532; chapter 557 of NRS) Existing

law also imposes various requirements on the operation of food establishments. (Chapter 446 of NRS) Under existing law, the term "food establishment" is broadly defined to mean any place, structure, premises, vehicle or vessel in which food is manufactured, prepared, sold, offered or displayed for sale or served. Thus, under existing law, the definition of "food establishment" would include, in general, establishments at which food is prepared or served for immediate consumption, such as restaurants, as well as establishments at which food is not prepared or served for immediate consumption, such as facilities that manufacture or process food. (NRS 446.020) This bill revises various provisions of existing law concerning hemp and the operation of food establishments at which food is not prepared or served for immediate consumption for the purpose of authorizing food that contains an approved hemp component to be produced or sold at such a food establishment under certain circumstances. Section 3 of this bill defines "approved hemp component" to mean any component of hemp that the United States Food and Drug Administration has determined to be safe for human consumption.

Existing law requires a person who wishes to operate a food establishment to obtain a permit issued by a health authority and comply with certain requirements governing the operation of a food establishment. (Chapter 446 of NRS) Section 3 ~~[of this bill]~~ authorizes a person who holds such a permit ~~[to operate]~~ and who operates a food establishment at which food is not prepared or served for immediate consumption to: (1) purchase hemp or a commodity or product made using hemp from a grower or handler registered by the State Department of Agriculture; (2) use hemp or such a commodity or product to manufacture or prepare food that contains an approved hemp ~~[.]~~ component; and (3) subject to certain testing and labeling requirements set forth by the Department of Health and Human Services, sell, offer or display for sale ~~[or serve]~~ food that contains an approved hemp ~~[.]~~ component. Section 6 of this bill makes a conforming change to reflect the authorization for a food establishment at which food is not prepared or served for immediate consumption to sell food that contains an approved hemp ~~[.]~~ component.

Existing law requires a person who wishes to grow hemp, handle hemp for processing into commodities or products or produce agricultural hemp seed to register with the State Department of Agriculture and comply with certain other requirements. (Chapter 557 of NRS) Section 1 of this bill exempts from these requirements a person ~~[who holds a permit to operate a food establishment and]~~ described in section 3 who purchases or handles hemp or a commodity or product made using hemp for the purpose of engaging in the activities related to hemp described ~~[above,]~~ in that section, if the person reasonably believes the hemp or commodity or product made using hemp was grown or processed in compliance with such requirements.

Existing law prohibits a person from selling or offering to sell a commodity or product containing hemp that is intended for human consumption or certain other commodities or products that purport to contain cannabidiol unless the

commodity or product has been tested and labeled in accordance with requirements established by the Department of Health and Human Services. (NRS 439.532) Section 2 of this bill requires the Department to adopt regulations that identify contaminants of commodities or products which are foods that contain an approved hemp component and prescribe tolerances for such contaminants.

Existing law sets forth certain circumstances under which food is deemed to be adulterated. (NRS 585.300-585.330) Under existing law, a person is prohibited from manufacturing, selling or delivering, holding or offering for sale any food that is adulterated. (NRS 585.520). Existing law also authorizes a health authority to take certain actions against a food establishment if the health authority determines or has probable cause to believe that any food of the food establishment is adulterated. (NRS 446.920) Section 4 of this bill prohibits food from being deemed to be adulterated solely because such food contains an approved hemp ~~[. Section 5 of this bill makes a conforming change to indicate the proper placement of section 4 in the Nevada Revised Statutes.]~~ component.

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

Section 1. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of this chapter do not apply to:

1. A person who purchases, for the purpose of resale, hemp or a commodity or product made using hemp which was not grown or processed by the person; ~~[or]~~

2. A person who transports hemp or a commodity or product made using hemp which was not grown or processed by the person ~~[,]~~ *; or*

3. A person ~~[who holds a permit to operate a food establishment issued pursuant to NRS 446.875 and]~~ described in section 3 of this act who, for the purpose of engaging in any of the activities set forth in section 3 of this act, purchases or handles hemp or a commodity or product made using hemp which was not grown or processed by the person,

➥ if such a person reasonably believes the hemp or commodity or product made using hemp was grown or processed in compliance with the provisions of this chapter.

Sec. 2. NRS 439.532 is hereby amended to read as follows:

439.532 1. Unless federal law or regulation otherwise requires, a person shall not sell or offer to sell any commodity or product containing hemp which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp unless such a commodity or product:

(a) Has been tested by an independent testing laboratory and meets the standards established by regulation of the Department pursuant to subsection 3; and

(b) Is labeled in accordance with the regulations adopted by the Department pursuant to subsection 3.

2. A person who produces or offers for sale a commodity or product described in subsection 1 may submit such a commodity or product to a cannabis independent testing laboratory for testing pursuant to this section and a cannabis independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any commodity or product described in subsection 1. Such regulations must:

(a) Set forth protocols and procedures for the testing of the commodities and products described in subsection 1; ~~[and]~~

(b) *Identify contaminants of the commodities or products described in subsection 1 which are foods that contain an approved hemp component, as defined in section 3 of this act, and prescribe tolerances for such contaminants; and*

(c) Require that any commodity or product described in subsection 1 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapters 446 and 585 of NRS.

4. As used in this section:

(a) "Cannabis independent testing laboratory" has the meaning ascribed to it in NRS 678A.115.

(b) *"Food" has the meaning ascribed to it in NRS 446.017.*

(c) "Hemp" has the meaning ascribed to it in NRS 557.160.

~~[(c)]~~ *(d)* "Intended for human consumption" means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

~~[(d)]~~ *(e)* "THC" has the meaning ascribed to it in NRS 453.139.

Sec. 3. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who holds a permit ~~[to operate a food establishment]~~ issued pursuant to NRS 446.875 and who operates a food establishment at which food is not prepared or served for immediate consumption may:

(a) Purchase hemp or a commodity or product made using hemp from a grower or handler registered by the State Department of Agriculture pursuant to chapter 557 of NRS.

(b) Use hemp or a commodity or product made using hemp to manufacture or prepare food that contains an approved hemp component at the food establishment.

(c) In compliance with the provisions of NRS 439.532, sell, offer or display for sale ~~[or serve]~~ food that contains an approved hemp component at the food establishment.

2. As used in this section, ~~["hemp"]~~ :

(a) "Approved hemp component" means any component of hemp that the United States Food and Drug Administration has determined to be safe or

generally recognized as safe for use as an ingredient in food intended for human consumption.

(b) "Hemp" has the meaning ascribed to it in NRS 557.160.

Sec. 4. NRS 585.310 is hereby amended to read as follows:

585.310 ~~[A]~~

1. Except as otherwise provided in subsection 2, a food shall be deemed to be adulterated:

~~[1.]~~ *(a)* If any valuable constituent has been in whole or in part omitted or abstracted therefrom;

~~[2.]~~ *(b)* If any substance has been substituted wholly or in part therefor;

~~[3.]~~ *(c)* If damage or inferiority has been concealed in any manner; or

~~[4.]~~ *(d)* If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

2. A food shall not be deemed to be adulterated solely because it contains an approved hemp ~~[.]~~ component.

3. As used in this section, ~~["hemp"]~~ "approved hemp component" has the meaning ascribed to it in ~~[NRS 557.160.]~~ section 3 of this act.

Sec. 5. ~~[NRS 587.696 is hereby amended to read as follows:~~

~~587.696 1. The Department shall register a person who produces acidified foods if the person:~~

~~(a) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;~~

~~(b) Passes an examination on the preparation of acidified foods which has been approved by the Department;~~

~~(c) Pays the registration fee prescribed by the Department; and~~

~~(d) Provides the Department with such information as the Department deems appropriate, including, without limitation:~~

~~(1) The name, address and contact information of the natural person who is producing the acidified foods; and~~

~~(2) If the acidified foods are sold under a name other than that of the natural person who produces the acidified foods, the name under which the natural person sells the acidified foods.~~

~~2. A registration that is issued or otherwise recorded pursuant to subsection 1 is valid for 3 years after the date of initial registration and may be renewed pursuant to the provisions of subsection 3.~~

~~3. The Department shall renew a registration that is issued or otherwise recorded pursuant to subsection 1 every 3 years if the person:~~

~~(a) Provides proof satisfactory to the Department that the person has complied with the requirements of NRS 587.695;~~

~~(b) Completes a course of training in basic food safety and the preparation and canning of acidified foods which has been approved by the Department;~~

~~(c) Passes an examination on the preparation of acidified foods which has been approved by the Department;~~

~~(d) Pays the renewal fee prescribed by the Department; and~~

~~(c) Provides the Department with any such information as the Department deems appropriate.~~

~~4. The Department shall provide to each person registered to produce acidified foods pursuant to this section:~~

~~(a) Periodic updates on, without limitation, the testing and preparation of acidified foods; and~~

~~(b) Information about workshops or other training opportunities related to the safe production of acidified foods.~~

~~5. The Department may inspect the premises of a person registered to produce acidified foods pursuant to this section only to investigate a food item that may be deemed to be adulterated pursuant to NRS 585.300 to 585.360, inclusive, *and section 4 of this act* or an outbreak or suspected outbreak of illness known or suspected to be caused by a contaminated food item. The producer of acidified foods shall cooperate with the Department in any such inspection. If, as a result of such an inspection, the Department determines that the producer of acidified foods has produced an adulterated food item or was the source of an outbreak of illness caused by a contaminated food item, the Department may charge and collect from the producer of acidified foods a fee in an amount that does not exceed the actual cost to the Department to conduct the investigation.~~

~~6. The Department may charge a reasonable fee for:~~

~~(a) Registration pursuant to subsection 1;~~

~~(b) Renewal of a registration pursuant to subsection 3;~~

~~(c) A course of training pursuant to subsections 1 and 3;~~

~~(d) An examination pursuant to subsections 1 and 3; and~~

~~(e) An investigation conducted pursuant to subsection 5.~~] (Deleted by amendment.)

Sec. 6. NRS 678B.290 is hereby amended to read as follows:

678B.290 1. The Board shall establish standards for and certify one or more cannabis independent testing laboratories to:

(a) Test cannabis for adult use and adult-use cannabis products that are to be sold in this State;

(b) Test cannabis for medical use and medical cannabis products that are to be sold in this State; and

(c) In addition to the testing described in paragraph (a) or (b), test commodities or products containing hemp, as defined in NRS 557.160, or cannabidiol which are intended for human or animal consumption and sold by a cannabis establishment ~~[.]~~ *or a person ~~[who holds a permit to operate a food establishment issued pursuant to NRS 446.875.]~~* *described in section 3 of this act.*

2. Such a cannabis independent testing laboratory must be able to:

(a) Determine accurately, with respect to cannabis or cannabis products that are sold or will be sold at cannabis sales facilities in this State:

(1) The concentration therein of THC and cannabidiol.

(2) The presence and identification of microbes, molds and fungi.

(3) The composition of the tested material.

(4) The presence of chemicals in the tested material, including, without limitation, pesticides, heavy metals, herbicides or growth regulators.

(b) Demonstrate the validity and accuracy of the methods used by the cannabis independent testing laboratory to test cannabis and cannabis products.

3. To obtain a license to operate a cannabis independent testing laboratory, an applicant must:

(a) Apply successfully as required pursuant to NRS 678B.210 or 678B.250, as applicable.

(b) Pay the fees required pursuant to NRS 678B.390.

(c) Agree to become accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within 1 year after licensure.

Sec. 7. 1. This section becomes effective on October 1, 2021.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) On October 1, 2021, 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 Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 270 to Senate Bill No. 114 clarifies that the bill applies to food establishments at which food is not prepared or served for immediate consumption. Further, the use of hemp commodities or products made using an approved hemp component by persons who operate a food establishment is conditioned on a determination by the United States Food and Drug Administration that such items are safe for human consumption.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 113.

SUMMARY—Revises provisions related to falconry. (BDR 45-158)

AN ACT relating to wildlife; ~~[requiring a person who wishes]~~ authorizing certain persons to possess a golden eagle; authorizing the Board of Wildlife Commissioners to adopt regulations that authorize certain persons to transport, transfer, possess or use a golden eagle in falconry ~~[to obtain a falconry license; requiring such a person to prove that he or she complies with certain requirements before he or she is issued a falconry license; authorizing persons who have been issued a falconry license]~~ ; requiring certain persons to obtain a falconry license and an eagle permit before such persons are authorized to ~~[take,]~~ transport, transfer, possess or use golden eagles in falconry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Bald and Golden Eagle Protection Act is the federal law that provides for the protection of bald eagles and golden eagles. (16 U.S.C. §§ 668-668d) The Act prohibits a person from taking, possessing, selling, purchasing, bartering, offering to sell, purchase or barter, transporting, exporting or importing any bald eagle or golden eagle, alive or dead, including any part, nest or egg of such an eagle, unless the person is authorized to do so by permit. (16 U.S.C. § 668) The Act provides for the taking of golden eagles from the wild to be used in falconry. (16 U.S.C. § 668a; 50 C.F.R. § 21.29(a)(1)(ii)) Specifically, the Act provides that the Secretary of the Interior may permit the taking, possessing and transporting of golden eagles for the purposes of falconry if the golden eagles are taken because they are causing depredations on livestock or wildlife. (16 U.S.C. § 668a) Federal regulations adopted pursuant to the Act require a person who seeks to use a golden eagle for falconry to: (1) satisfy the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; and (2) have a permit to possess a golden eagle from his or her state. (50 C.F.R. § 22.24) The federal regulations enacted pursuant to the Migratory Bird Treaty Act provide that a master falconer may possess up to three eagles, including golden eagles, if he or she: (1) has documents proving his or her experience in handling large raptors; and (2) has at least two letters of reference from people with experience handling or flying large raptors. (50 C.F.R. §§ 21.29(c)(2)(iii)(B), 21.29(c)(2)(iv))

Existing law requires any person who practices falconry or trains birds of prey to obtain a falconry license from the Department of Wildlife. (NRS 503.583) Existing law provides that it is unlawful for any person to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent, bald eagles or golden eagles. However, existing law authorizes the Department to issue a permit to take bald eagles or golden eagles to mitigate depredations on wildlife, agriculture or other interests. (NRS 503.610) Existing regulations prohibit bald eagles and golden eagles from being taken, transported, possessed or used in the practice of falconry. (NAC 503.305) Existing law provides that every person who unlawfully kills or possesses an eagle is liable for a civil penalty. (NRS 501.3855)

Section ~~[2]~~ 3 of this bill ~~[requires any]~~ authorizes a person who ~~[wishes]~~ is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle that is obtained from the wild if the golden eagle: (1) is obtained for rehabilitation purposes; (2) is legally obtained in another state; (3) is legally possessed by a master falconer in another state and that master falconer moves to this state; or (4) is transferred to the master falconer from another falconer in a manner authorized by regulations adopted by the Board of Wildlife Commissioners. Section 3 authorizes the Commission to adopt regulations that authorize such a person to transport, transfer, possess or use a golden eagle in falconry . ~~[to obtain a falconry license from the Department.~~

~~Section 2 provides that before the Department issues such a falconry license, the person applying for the falconry license is required to show that: (1) he or she satisfies the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; (2) the golden eagle was taken pursuant to a permit issued in accordance with existing state law; and (3) the taking complied with federal law. Section 2 also provides that such a falconry license: (1) is deemed to be the permit to possess a golden eagle required by federal regulations; and (2) authorizes the person to lawfully transport, possess or use a golden eagle. Sections~~ If such transportation, transfer, possession or use in falconry is authorized, section 3 further requires a person who possesses a golden eagle to obtain an eagle permit. If such transportation, transfer, possession or use in falconry is authorized, section 3 requires the Commission to adopt regulations that establish: (1) the requirements a person must comply with to obtain an eagle permit; and (2) how the holder of an eagle permit may transport, transfer, possess or use a golden eagle. The eagle permit: (1) is deemed a permit to possess a golden eagle, as required by federal law; and (2) authorizes the holder to lawfully transport, transfer, possess or use a golden eagle in falconry.

Section 3 additionally requires the Commission to adopt regulations that impose civil penalties against a person who violates various prohibitions against tampering with bald eagles and golden eagles. Section 1 ~~[and 3]~~ of this bill ~~[make]~~ makes a conforming ~~[changes]~~ change to provide an exception to account for ~~[the new provisions in section 2.]~~ this civil penalty.

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

Section 1. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:

(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than $5,000 nor more than $30,000; or

(b) Except as otherwise provided in paragraph (a) ~~[,]~~ *or NRS ~~[503.583,]~~ 503.610*, unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than $250 but less than $5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than $25 nor more than $1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than $50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 2. ~~[NRS 503.583 is hereby amended to read as follows:~~

~~503.583 1. Except as otherwise provided in this section, any person who practices falconry or trains birds of prey must obtain a falconry license from the Department upon payment of a license fee as provided in NRS 502.240.~~

~~2. [The] *Any person who wishes to obtain a falconry license from the Department to transport, possess or use a golden eagle in falconry must provide documentation satisfactory to the Department to show that:*~~

~~*(a) He or she meets the conditions outlined in 50 C.F.R. § 21.29;*~~

~~*(b) The golden eagle was taken in accordance with a permit issued pursuant to subsection 2 of NRS 503.610; and*~~

~~*(c) The taking described in paragraph (b) complied with 16 U.S.C. § 668a and any other applicable federal law, as determined by the Department.*~~

~~*3. A falconry license issued pursuant to this section to transport, possess or use a golden eagle:*~~

~~*(a) Is deemed to be a permit to possess a golden eagle for the purposes of 50 C.F.R. § 22.24(a).*~~

~~*(b) Authorizes the holder to lawfully transport, possess or use a golden eagle.*~~

~~*4. Except as federal law otherwise authorizes for the obtaining of a golden eagle, the* licensee, under permit, may obtain from the wild only two birds per year. All such birds of prey must be banded in accordance with regulations adopted by the Commission.~~

~~[3.] *5.* Birds of prey may not be taken, captured or disturbed during the months in which they breed.~~

~~[4.] *6.* This section does not prohibit the capture or killing of a hawk or an owl by holders of scientific collecting permits.~~

~~[5. The]~~

~~*7. Except as otherwise provided in subsection 2, the* Commission may adopt regulations authorizing a person to practice falconry or train birds of prey without obtaining a falconry license pursuant to the provisions of subsection 1.~~ (Deleted by amendment.)

Sec. 3. NRS 503.610 is hereby amended to read as follows:

503.610 1. Except as otherwise provided in ~~[~~subsection *subsection 2*~~, *and NRS 503.583,]~~~~]~~ *this section,* it is unlawful for any person, firm, company, corporation or association to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch *,* ~~[or]~~ capture, *take or remove from the wild,* or to pursue with such intent the birds known as the bald eagle and the golden eagle, or to take ~~[,]~~ *or remove from the wild,* injure, possess or destroy the nests *,* ~~[or]~~ eggs *or newly hatched offspring* of such birds.

2. The Department may issue permits to take bald eagles or golden eagles whenever it determines that they have become seriously injurious to wildlife or agricultural or other interests in any particular area of the State and the injury complained of is substantial and can only be abated by taking some or all of the offending birds. The issuance of such permits must be consistent with federal law.

3. The Department may authorize a person who is licensed as a master falconer by the Department pursuant to NRS 503.583 and who meets the conditions set forth in 50 C.F.R. § 21.29 to possess a golden eagle that is obtained from the wild if the golden eagle:

(a) Is obtained for the rehabilitation of the golden eagle in accordance with federal law;

(b) Is obtained in another state in accordance with federal law, including, without limitation, the federal depredation permit lottery system, and the laws of that state;

(c) Is legally possessed by a master falconer in another state and that master falconer moves to this State; or

(d) Is transferred to the master falconer from another falconer who is licensed in this State or another state. Such a transfer may only occur if it is

authorized by the Department in the manner set forth in any regulations adopted by the Commission pursuant to subsection 6, if applicable.

4. If the Commission adopts regulations pursuant to paragraph (a) of subsection 6 and authorizes the transportation, transfer, possession or use of a golden eagle in falconry, the Department shall require a person who possesses a golden eagle pursuant to subsection 3 to obtain an eagle permit from the Department.

5. The eagle permit obtained pursuant to subsection 4:

(a) Is deemed to be a permit to possess a golden eagle for the purposes of 50 C.F.R. § 22.24; and

(b) Authorizes the holder to lawfully transport, transfer, possess or use a golden eagle in falconry in the manner set forth in the eagle permit that is issued by the Department.

6. The Commission:

(a) May adopt regulations that authorize a person who possesses a golden eagle pursuant to subsection 3 to transport, transfer, possess or use the golden eagle in falconry; and

(b) Shall adopt regulations that establish:

(1) If the Commission adopts regulations pursuant to paragraph (a):

(I) The requirements that a person who possesses a golden eagle pursuant to subsection 3 must comply with to obtain an eagle permit from the Department; and

(II) How the holder of an eagle permit may transport, transfer, possess or use a golden eagle; and

(2) Civil penalties to be imposed against any person firm, company, corporation or association who violates subsection 1.

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 113 to Senate Bill No. 125 makes various changes to clarify the limited conditions under which a person may possess a golden eagle, and it requires the Board of Wildlife Commissioners to adopt certain regulations related to bald eagles and golden eagles.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 165.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 353.

SUMMARY—Establishes provisions relating to Esports. (BDR 41-562)

AN ACT relating to sporting events; creating the Nevada Esports Commission to regulate Esports; prescribing the membership and terms of office of members of the Commission; requiring the Commission to establish a technical advisory committee; providing for the appointment of the Executive Director of the Commission; authorizing the Executive Director to apply for grants and accept gifts, grants and donations on behalf of the

Commission; requiring certain persons to be registered with the Commission; authorizing the Commission to adopt regulations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill creates the Nevada Esports Commission, within the Department of Business and Industry, to regulate Esports. Sections 3-7 of this bill define certain terms relating to the regulation of Esports, including the term "Esports" as a contest of multiple players using video games.

Sections 9 and 10 of this bill prescribe the membership and terms of office of the members of the Commission. Section 10.5 of this bill requires the Commission to establish a technical advisory committee to provide recommendations relating to the adoption of regulations pursuant to section 15 of this bill and any other matters of importance to the Commission. Section 11 of this bill requires the Governor to appoint the Executive Director of the Commission. Section 12 of this bill authorizes the Executive Director to apply for any grants and accept any gifts, grants or donations for the support of the Commission. Sections 13 and 14 of this bill require certain persons to register with and provide certain information to the Commission before staging or engaging in any Esports . ~~[with a purse that exceeds $1,000.]~~ Section 15 ~~[of this bill]~~ authorizes the Commission to adopt regulations governing Esports. Section 16 of this bill makes a violation of the requirements relating to Esports a misdemeanor.

WHEREAS, Nevada is known as the entertainment capital of the world and is a pioneer in providing new and exciting entertainment opportunities to the public; and

WHEREAS, Esports is a rapidly emerging business and a new form of entertainment and competition; and

WHEREAS, The growing interest in Esports for both entertainment and competition creates an opportunity for Nevada to leverage its expertise in gaming and other forms of entertainment and provide an ideal forum to grow this new industry; and

WHEREAS, Nevada has a desire to partner with this emerging industry with focus on ensuring the integrity of Esports competitions; and

WHEREAS, There is a natural fit between Nevada and Esports that can promote both the growth of the Esports industry and tourism in Nevada; now, therefore,

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

Section 1. Title 41 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in this chapter, 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. *"Commission" means the Nevada Esports Commission created by section 8 of this act.*

Sec. 4. *"Esports" means a contest of multiple players using video games.*

Sec. 5. *"Host" means any person who produces or stages Esports.*

Sec. 6. *"Participant" means any person who engages in Esports for remuneration.*

Sec. 7. ~~*[*"Purse" means a financial guarantee or any other remuneration for which participants engage in Esports.]*~~ (Deleted by amendment.)

Sec. 8. *1. The Nevada Esports Commission, consisting of ~~[three]~~ five members appointed by the Governor, is hereby created within the Department of Business and Industry.*

2. ~~[Two]~~ Three members of the Commission constitute a quorum for the exercise of the authority conferred upon the Commission, and a concurrence of at least ~~[two]~~ three of the members is necessary to render a choice or a decision by the Commission.

~~*[3. A member shall not at any time during his or her service as a member of the Commission promote or sponsor any Esports or have any financial interest in the promotion or sponsorship of Esports.]*~~

Sec. 9. *1. Each member of the Commission must be:*

(a) A citizen of the United States; and

(b) A resident of this State.

2. No member of the Legislature, no person holding any elective office in the State Government, nor any officer or official of any political party is eligible for appointment to the Commission.

~~*[3. One member of the Commission must have expertise in Esports.*~~

~~*4. One member of the Commission must have expertise in information technology, specifically as it relates to hardware and software in Esports.*~~

~~*5. One member of the Commission must have training or experience in law enforcement, specifically as it relates to cheating in Esports through cybercrime, hacking or fraud.]*~~

Sec. 10. *1. The term of office of each member of the Commission is 4 years, commencing on the last Monday in January.*

2. The Governor shall appoint the members of the Commission and designate one member to serve as Chair, who shall coordinate the activities of the Commission. The designation of Chair lasts for 2 years, unless revoked by the Governor.

3. Each member of the Commission shall serve without compensation.

Sec. 10.5. 1. The Commission shall establish a technical advisory committee consisting of professionals from the Esports industry, including, without limitation:

(a) Publishers;

(b) Hosts;

(c) Participants;

(d) Broadcasters; and

(e) Judges.

2. The technical advisory committee shall provide recommendations to the Commission on:

(a) The adoption of regulations pursuant to section 15 of this act; and

(b) Any other matters of importance to the Commission.

2. Each member of the technical advisory committee shall serve without compensation.

Sec. 11. *1. The Governor shall appoint an Executive Director, who must not be a member of the Commission.*

2. The Executive Director serves at the pleasure of the Governor.

3. The Executive Director may, within the limits of available money, employ such additional personnel as may be required to carry out the duties of the Commission.

4. Except as otherwise provided in section 12 of this act, all money received by the Executive Director or the Commission pursuant to the provisions of this chapter must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 12. *1. The Executive Director may apply for any available grants and accept any gifts, grants or donations for the support of the Commission and its activities pursuant to the provisions of this chapter.*

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Nevada Esports Commission, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to the provisions of this chapter.

Sec. 13. *A host shall not stage any Esports ~~[with a purse that exceeds $1,000]~~ unless the host has first:*

1. Registered with the Commission in the manner prescribed by the Commission;

2. Supplied any information, including, without limitation, tournament rules, as required by the Commission; and

3. Paid any fee required by the Commission.

Sec. 14. *A participant shall not engage in any Esports ~~[with a purse that exceeds $1,000]~~ unless the participant has first:*

1. Registered with the Commission in the manner prescribed by the Commission;

2. Supplied any information as required by the Commission;

3. Read and agreed to be bound by any applicable tournament rules submitted by the host to the Commission; and

4. Paid any fee required by the Commission.

Sec. 15. *1. The Commission may adopt regulations necessary to carry out the provisions of this chapter.*

2. The regulations must:

(a) Ensure the integrity of Esports.

(b) Establish procedures for the enforcement of Commission rules and policies.

(c) Prescribe the powers and duties of hosts and participants.

(d) Provide for the registration and approval of hosts and participants.

(e) Establish qualifications for participants.

(f) Establish procedures for the testing of participants, including, without limitation, testing for banned or controlled substances.

(g) Require approval of venues that accommodate Esports.

Sec. 16. *Any person who violates any provision of this chapter or any regulations adopted pursuant thereto is guilty of a misdemeanor.*

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, 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]~~ July 1, 2022, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 353 to Senate Bill No. 165 expands the Commission to five members, broadens the technical qualifications of commissioners and removes the prohibition on commissioner interest in Esports enterprises. It requires the Commission to appoint a Technical Advisory Committee (TAC) whose members will serve without compensation. The TAC is to consist of Esports professionals from various areas within the Esports industry, including broadcasters, event organizers, judges, players, publishers, teams and anyone else deemed appropriate by the Commission. The TAC will provide recommendations to the Commission on Esports standards and sanctioning thresholds for incorporation into regulations to be promulgated by the Commission. It removes the $1,000 threshold for sanctioning of events by the Commission and authorizes the Commission to make sanctioning decisions. Finally, it grants the Commission approval authority over registration applications.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

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

Amendment No. 410.

SUMMARY— ~~[Prohibits a pharmacy benefit manager from requiring a covered person to obtain a drug by mail.]~~ Revises provisions related to drugs and the prescription of drugs in this State. (BDR 57-848)

AN ACT relating to pharmacy benefit managers; prohibiting a pharmacy benefit manager from requiring a covered person to obtain a drug by mail ~~[,]~~ or implementing a copayment accumulator program for certain drugs; clarifying that such prohibitions do not apply to certain contracts established by the Department of Health and Human Services; prohibiting certain insurers from implementing a copayment accumulator program for certain drugs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a pharmacy benefit manager from engaging in certain trade practices. (NRS 683A.179) Section 1 of this bill additionally prohibits a pharmacy benefit manager from : (1) requiring a covered person to obtain a drug by mail ~~[.]~~ ; and (2) implementing a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug. Section 1 additionally provides that these new prohibitions do not apply to the Public Employees' Benefits Program. Section ~~[2]~~ 16 of this bill provides that ~~[this prohibition applies]~~ these prohibitions apply to a contract existing on July 1, 2021, for a pharmacy benefit manager to manage a pharmacy benefits plan for a third party to the extent the ~~[prohibition does]~~ prohibitions do not conflict with the contract. Under section ~~[2,]~~ 16, if such a conflict exists, the provisions of the contract control.

Sections 2, 4, 5, 7-10 and 12-14 of this bill prohibit any insurer, other than Medicaid, the Children's Health Insurance Program and insurance provided by the state and local governments for their employees, from implementing a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug. Sections 3, 6 and 11 of this bill make conforming changes by indicating the proper placement of certain sections of this act in the Nevada Revised Statutes.

Section 15 of this bill clarifies the term "pharmacy benefit manager" for contracts between the Department of Health and Human Services and a pharmacy benefit manager or health maintenance organization that manages the provision of prescription drugs under Medicaid or the Children's Health Insurance Program.

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

Section 1. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; ~~[or]~~

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid

to a pharmacy that is in the network of providers under contract with the third party ~~[.]~~ *; ~~[or]~~*

(e) Require a covered person to obtain any drug by mail ~~[.]~~ ; or

(f) Implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125.

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. *The provisions of paragraphs (e) and (f) of subsection 1 do not apply to the Public Employees' Benefits Program established pursuant to NRS 287.0402 to 287.049, inclusive.*

4. As used in this section ~~[, "network]~~ *:*

(a) "Copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the covered person.

(b) "Network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is 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.

Sec. 2. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the insured.

Sec. 3. 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 2 of this act.*

Sec. 4. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the insured.

Sec. 5. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the insured.

Sec. 6. 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 5 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. 7. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the insured.

Sec. 8. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical services shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the insured.

Sec. 9. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the enrollee.

Sec. 10. 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 section 9 of this act* 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 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. 11. 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 9 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. 12. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. A prepaid limited health service organization that offers or issues an evidence of coverage shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the enrollee.

Sec. 13. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall not implement a copayment accumulator program for any drug for which there is not a less expensive alternative or generic drug.

2. As used in this section, "copayment accumulator program" means a program that prevents a payment made by use of a copay assistance coupon, copay savings program or other payment assistance program offered by a third party from applying towards the deductible or maximum out-of-pocket spending of the insured.

Sec. 14. 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 13 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. 15. NRS 422.4023 is hereby amended to read as follows:

422.4023 "Pharmacy benefit manager" ~~[has the meaning ascribed to it in NRS 683A.174.]~~ *means an entity, including, without limitation, any authorized subcontractor of the entity, that contracts with or is employed by the Department and manages the provision of prescription drugs for the Department under the State Plan for Medicaid or the Children's Health Insurance Program.*

~~[Sec. 2.]~~ *Sec. 16.* 1. The amendatory provisions of section 1 of this act apply to a contract existing on July 1, 2021, for a pharmacy benefit manager to manage a pharmacy benefits plan for a third party to the extent that the amendatory provisions of section 1 of this act do not conflict with the terms of the contract. To the extent that a conflict exists, the provisions of the contract control.

2. As used in this section:

(a) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

(b) "Pharmacy benefits plan" has the meaning ascribed to it in NRS 683A.175.

(c) "Third party" has the meaning ascribed to it in NRS 683A.176.

~~[Sec. 3.]~~ *Sec. 17.* This act becomes effective on July 1, 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 410 makes three changes to Senate Bill No. 171. The amendment prohibits a pharmacy benefit manager and a health-care insurer from implementing a copayment-accumulator program to calculate an insured's deductible or maximum out-of-pocket spending. It provides that provisions concerning obtaining a drug by mail does not apply to the Public Employees' Benefits Program. It adds new provisions to define "pharmacy benefit manager" for the purposes of the State Plan for Medicaid or the Children's Health Insurance Program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 181.

Bill read second time.

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

Amendment No. 106.

SUMMARY—Revises provisions relating to alcohol and drug counselors. (BDR 54-558)

AN ACT relating to alcohol and drug counselors; revising the requirements for the completion of postgraduate counseling for certain licenses for alcohol and drug counselors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, licensure as a clinical alcohol and drug counselor by the Board of Examiners for Alcohol, Drug and Gambling Counselors requires the completion of: (1) a program approved by the Board that includes at least 2,000 hours of supervised, postgraduate counseling of persons with alcohol and other substance use disorders; and (2) a program approved by the Board that includes at least 2,000 hours of postgraduate counseling of persons with mental illness who also have alcohol and other substance use disorders that is supervised by an approved licensed clinical alcohol and drug counselor. (NRS 641C.330) Section 1 of this bill consolidates such requirements into the completion of a single program consisting of 3,000 hours.

Section 1: (1) reduces the minimum required hours in such a program for postgraduate counseling of persons with mental illness who also have alcohol and other substance use disorders from 2,000 hours to ~~[1,000]~~ 1,500 hours; (2) eliminates the requirement that such postgraduate counseling be supervised by a licensed clinical alcohol and drug counselor approved by the Board; ~~[and]~~ (3) requires the program to include at least 1,000 hours of postgraduate counseling of persons with alcohol and other substance use disorders ~~[.]~~ ; and (4) requires the program to include at least 500 hours of additional postgraduate counseling of persons with mental illness who also have alcohol and other substance use disorders or persons with alcohol and other substance use disorders.

Under existing law, licensure as an alcohol and drug counselor by the Board requires 4,000 hours of supervised counseling of persons with alcohol and other substance use disorders. (NRS 641C.350) Section 2 of this bill reduces the minimum requirement from 4,000 hours to 3,000 hours.

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

Section 1. NRS 641C.330 is hereby amended to read as follows:

641C.330 The Board shall issue a license as a clinical alcohol and drug counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;

(c) Has completed a program approved by the Board consisting of at least ~~[2,000]~~ *3,000* hours of supervised, postgraduate counseling of persons with alcohol and other substance use disorders ~~[;~~

~~(d) Has completed a program]~~ *and persons with mental illness who also have alcohol and other substance use disorders* that:

(1) ~~[Is approved by the Board; and~~

~~(2)]~~ Consists of at least ~~[2,000~~ ~~*1,000]*~~ *1,500* hours of postgraduate counseling of persons with mental illness who also have alcohol and other substance use disorders ~~[that is supervised by a licensed clinical alcohol and drug counselor who is approved by the Board;]~~ *; ~~[and]~~*

(2) Consists of at least 1,000 hours of postgraduate counseling of persons with alcohol and other substance use disorders; and

(3) Consists of at least 500 hours of additional postgraduate counseling of persons with mental illness who also have alcohol and other substance use disorders or persons with alcohol and other substance use disorders;

~~[(e)]~~ *(d)* Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(f)]~~ *(e)* Pays the fees required pursuant to NRS 641C.470; and

~~[(g)]~~ *(f)* Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a marriage and family therapist *or a clinical professional counselor* pursuant to chapter 641A of NRS; or

(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(c) Has completed at least 6 months of supervised counseling of persons with alcohol and other substance use disorders approved by the Board;

(d) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(e) Pays the fees required pursuant to NRS 641C.470; and

(f) Submits all the information required to complete an application for a license.

Sec. 2. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(c) Has completed ~~[4,000]~~ *3,000* hours of supervised counseling of persons with alcohol and other substance use disorders;

(d) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(e) Pays the fees required pursuant to NRS 641C.470; and

(f) Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug counselor pursuant to this chapter;

(c) Has completed 1,000 hours of supervised counseling of persons with alcohol and other substance use disorders approved by the Board;

(d) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(e) Pays the fees required pursuant to NRS 641C.470; and

(f) Submits all information required to complete an application for a license.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 106 makes two changes to Senate Bill No. 181. The amendment increases from 1,000 to 1,500 hours the minimum hours of postgraduate counseling of persons with mental illness who also have alcohol-and other substance-use disorders. It adds new provisions that require an applicant for licensure as a clinical alcohol and drug counselor to complete an additional 500 hours of postgraduate counseling of persons with mental illness who also have alcohol or other substance use disorders, or of persons with alcohol-and other substance-use disorders.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 184.

Bill read second time.

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

Amendment No. 401.

SUMMARY—Revises provisions relating to the practice of medicine. (BDR 54-25)

AN ACT relating to professions; authorizing the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a license to practice medicine or a license to practice osteopathic medicine, respectively, to certain persons; ~~[authorizing a physician assistant to provide emergency care in certain emergency situations without the supervision of a physician or osteopathic physician; revising requirements governing the supervision of a physician assistant;]~~ providing that a person may be simultaneously licensed as a physician assistant by the respective Boards; providing for a fee for a

simultaneous license; requiring the respective Boards to supply a list of physician assistants licensed by the respective Boards; revising the requirements governing licensure as a physician assistant; ~~[authorizing certain licensed physician assistants to use the title "inactive physician assistant"; providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes requirements that govern the supervision of physician assistants by: (1) allopathic physicians who engage in the practice of medicine pursuant to chapter 630 of NRS; and (2) osteopathic physicians who engage in the practice of osteopathic medicine pursuant to chapter 633 of NRS. (NRS 630.271-630.2752, 633.432-633.469) Existing law requires an applicant for a license to practice medicine or for a license to practice osteopathic medicine to satisfy various requirements, including educational requirements. (NRS 630.160, 633.305, 633.311) Sections 2 and 24 of this bill authorize the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a license to practice medicine or a license to practice osteopathic medicine, respectively, to a person who: (1) has received a doctorate degree from a medical school or a school of osteopathic medicine located in the United States or Canada and who has completed 2 years of postgraduate residency training; or (2) has received a doctorate degree from a medical school or a school of osteopathic medicine located outside of the United States and Canada and who has completed 3 years of postgraduate residency training. Section 13 of this bill exempts such an applicant for a license to practice medicine as an allopathic physician who is a graduate of a foreign medical school from a requirement that the graduate must have passed the examination given by the Educational Commission for Foreign Medical Graduates. Sections 15 and 33 of this bill authorize the issuance of a special volunteer medical license to practice allopathic or osteopathic medicine to a physician who meets the requirements prescribed in section 2 or 24, as applicable. Sections 12, 31 and 32 of this bill make conforming changes by exempting persons who meet the requirements of section 2 or 24 from the general requirements for licensure as an allopathic physician or osteopathic physician, as applicable.

~~[Existing regulations provide that a physician assistant governed by chapter 630 of NRS is considered to be and is deemed the agent of his or her supervising physician in the performance of all medical activities. (NAC 630.375) Existing regulations also authorize a physician assistant to perform medical services without supervision from his or her supervising physician in: (1) life-threatening emergencies, including at the scene of an accident; or (2) emergency situations, including human-caused or natural disaster relief efforts. (NAC 630.375) In such situations, the physician assistant: (1) is not the agent of the supervising physician and the supervising physician is not responsible or liable for any medical services provided by the physician assistant; (2) is required to provide whatever medical services he or she is able to provide based on his or her training, education and experience;~~

~~(3) may take direction from a licensed physician on scene; and (4) is required to make a reasonable effort to contact his or her supervising physician to advise the supervising physician of the incident and the physician assistant's role in providing medical services. (NAC 630.375) Sections 3 and 38 of this bill incorporate those provisions from existing regulations into statute in chapters 630 and 633 of NRS.~~

~~Existing law: (1) authorizes an osteopathic physician to refuse to act as a supervising osteopathic physician for a physician assistant; and (2) provides that certain agreements governing the supervision of a physician assistant by an osteopathic physician are void. (NRS 633.468) Section 4 of this bill creates a similar provision for an allopathic physician licensed pursuant to chapter 630 of NRS. Sections 4 and 40 of this bill require an allopathic physician or osteopathic physician who refuses to act as a supervising allopathic or osteopathic physician, as applicable, to provide written notice of his or her refusal to provide such supervision to the physician assistant and the applicable Board. Sections 4 and 40 also require a physician assistant, after receiving such notice, to: (1) immediately stop performing medical services for patients of the supervising physician who has refused to supervise the physician assistant; and (2) notify the applicable Board within 5 business days of the physician assistant entering into a new contract with a new supervising allopathic or osteopathic physician, as applicable.]~~

Existing law authorizes an osteopathic physician to supervise a physician assistant in person, electronically, telephonically or by fiber optics. (NRS 633.469) ~~[Section 5 of this bill authorizes a supervising allopathic physician licensed pursuant to chapter 630 of NRS to provide supervision to his or her physician assistant in person, electronically, telephonically or by fiber optics.]~~ Section 19 of this bill ~~[makes conforming changes by removing]~~ removes the authority of the Board of Medical Examiners to adopt regulations relating to the supervision of a physician assistant electronically, telephonically or by fiber optics. ~~[Sections 5 and 41 of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, to adopt regulations prescribing the maximum number of physician assistants that an allopathic or osteopathic physician may supervise at the same time. Sections 5 and 41 also require an allopathic or osteopathic physician providing supervision in person during the first 30 days of supervision of a physician assistant who is newly licensed or who has not practiced before to be physically present at the same location as the physician assistant, but does not require the physician to be in the same room as the physician assistant.]~~

Sections 6 and 25 of this bill require a person who is applying for a license to practice as a physician assistant under chapter 630 or 633 of NRS and wishes to be simultaneously licensed as a physician assistant under both chapters 630 and 633 of NRS to: (1) indicate in his or her application that he or she wishes to hold a simultaneous license; (2) submit an application for a license to the Board of Medical Examiners under chapter 630 of NRS and to the State Board

of Osteopathic Medicine under chapter 633 of NRS; and (3) pay the fee for the application and issuance of a simultaneous license as a physician assistant to both Boards. Sections 7 and 26 of this bill require a person who is applying to renew a license to practice as a physician assistant under chapter 630 or 633 of NRS and wishes to be simultaneously licensed as a physician assistant under both chapters 630 and 633 of NRS to: (1) indicate in his or her application that he or she wishes to hold a simultaneous license; (2) submit an application to renew a license to practice as a physician assistant with the Board under which he or she is currently licensed and submit an application for a license to practice as a physician assistant to the Board under which he or she is not currently licensed; and (3) pay the fee for simultaneous registration of a physician assistant to both Boards. Existing law provides certain fees for a physician assistant. (NRS 630.268, 633.501) Sections 16 and 44 of this bill provide that the fee that each Board charges for simultaneous registration is equal to half of the fee each Board would charge for registration for a person who is licensed by only one Board.

Sections 8 and 27 of this bill require a person who is licensed to practice as a physician assistant who is not applying for a renewal of his or her license and who wishes to be simultaneously licensed as a physician assistant under both chapters 630 and 633 of NRS to: (1) apply for a license to the Board under which he or she is not licensed; and (2) pay the fee for application and issuance of a simultaneous license as a physician assistant to both Boards. Section 39 of this bill makes a conforming change to exempt a physician assistant from certain requirements governing the supervision of a physician assistant licensed pursuant to chapter 633 of NRS by an allopathic physician licensed pursuant to chapter 630 of NRS.

Sections 9 and 28 of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine to provide to the State Board of Osteopathic Medicine or the Board of Medical Examiners, respectively, a list of all physician assistants who are licensed by the respective Boards.

~~[Sections 10 and 29 of this bill require a supervising allopathic physician or supervising osteopathic physician to review and initial a certain amount of charts of patients of a physician assistant who has not previously practiced as a physician assistant.]~~

Existing law provides that the provisions governing allopathic physicians, physician assistants, medical assistants, perfusionists and practitioners of respiratory care and osteopathic medicine do not apply to certain persons and in certain circumstances. (NRS 630.047, 633.171) Sections 11 and 30 of this bill provide that such provisions do not apply to: (1) the performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., as part of such a program; and (2) a physician assistant of any division or department of the United States in the discharge of his or her official duties.

Existing law authorizes a person holding a license as an allopathic or osteopathic physician, physician assistant, perfusionist or practitioner of respiratory care to place his or her license on inactive status. (NRS 630.255, 633.491) Section 14 of this bill authorizes the Board of Medical Examiners to place any physician assistant who notifies the Board in writing on inactive status. Sections 14 and 43 of this bill: (1) prohibit a physician assistant with a license on inactive status from practicing as a physician assistant; and (2) require the Board of Medical Examiners and the State Board of Osteopathic Medicine, respectively, to exempt a physician assistant with a license on inactive status from paying certain fees.

[~~Existing law authorizes a physician assistant to provide only those medical services he or she is authorized to perform by his or her supervising physician. (NRS 630.271) Section 17 of this bill additionally requires services performed by a physician assistant to be within the scope of practice of the supervising physician.~~

~~Existing law authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a license to practice as a physician assistant to an applicant who is qualified under the regulations of the respective Boards. (NRS 630.273, 633.433) Sections 18 and 34 of this bill authorize the respective Boards to issue a license to practice as a physician assistant to an applicant who: (1) meets the qualifications set forth in chapter 630 or 633 of NRS, as applicable; (2) is qualified under the regulations of the respective Boards; and (3) passes the Physician Assistant National Certifying Examination.~~]

Existing law prescribes certain requirements relating to the renewal of a license to practice as a physician assistant. (NRS 630.275, 633.471) Sections 19 and 42 of this bill prohibit the Board of Medical Examiners and the State Board of Osteopathic Medicine from requiring a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants to satisfy any continuing education requirements for the renewal of a license.

Existing law authorizes an applicant for the issuance of a license by endorsement to practice as a physician assistant to submit to the Board of Medical Examiners or the State Board of Osteopathic Medicine an application for such a license if the applicant satisfies certain requirements, including being certified in a specialty recognized by certain professional organizations. (NRS 630.2751, 630.2752, 633.4335, 633.4336) Sections 20, 21, 35 and 36 of this bill remove the requirement that an applicant for the issuance of a license by endorsement be certified in a specialty recognized by such organizations.

[~~Existing law makes it unlawful for any person to hold himself or herself out as a physician assistant without being licensed by the Board of Medical Examiners or the State Board of Osteopathic Medicine. (NRS 630.400, 633.741) Sections 22 and 45 of this bill authorize a person to use the title "inactive physician assistant" if he or she: (1) meets the qualifications for licensure as a physician assistant but does not hold a current license; and (2) is certified by the National Commission on Certification of Physician Assistants.~~

~~Sections 22 and 45 prohibit an inactive physician assistant from acting or practicing as a physician assistant.~~

~~Existing law requires the State Board of Osteopathic Medicine to adopt regulations regarding the procedures for applications for and the issuance of a license to practice as a physician assistant. (NRS 633.434) Section 37 of this bill requires the Board to adopt regulations regarding the procedures for applications for the renewal of such licenses.~~]

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

Section 1. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *1. Except as otherwise provided in NRS 630.161, the Board may issue a license to any person who:*

(a) Has received a degree of doctor of medicine from a medical school approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges and has completed 2 years of postgraduate residency training; or

(b) Has received a degree of doctor of medicine from a medical school which provides a course of professional instruction equivalent to that provided in medical schools in the United States and is approved by the Liaison Committee on Medical Education and has completed 3 years of postgraduate residency training.

2. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 1. The verification may include, without limitation, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

3. The provisions of subsections 4 and 5 of NRS 630.160 apply to a license issued pursuant to this section.

Sec. 3. [~~*1. Except as otherwise provided in this section, a physician assistant is considered to be and is deemed the agent of his or her supervising physician in the performance of all medical activities.*~~

~~*2. A physician assistant shall not perform medical services without supervision from his or her supervising physician, except in:*~~

~~*(a) Life-threatening emergencies, including, without limitation, at the scene of an accident; or*~~

~~*(b) Emergency situations, including, without limitation, human-caused or natural disaster relief efforts.*~~

~~*3. When a physician assistant performs medical services in an emergency described in subsection 2:*~~

~~*(a) The physician assistant is not the agent of his or her supervising physician and the supervising physician is not responsible or liable for any medical services provided by the physician assistant;*~~

~~(b) The physician assistant may provide whatever medical services possible based on the need of the patient and the training, education and experience of the physician assistant;~~

~~(c) The physician assistant may take direction from a physician who is at the scene of the emergency; and~~

~~(d) The physician assistant shall make a reasonable effort to contact his or her supervising physician, as soon as possible, to advise him or her of the incident and the physician assistant's role in providing medical services.]~~ (Deleted by amendment.)

Sec. 4. ~~[1. Subject to the provisions of this section, a physician may at any time refuse to act as a supervising physician for a physician assistant.~~

~~2. A condition, stipulation or provision in a contract or other agreement which:~~

~~(a) Requires a physician to act as a supervising physician for a physician assistant;~~

~~(b) Penalizes a physician for refusing to act as a supervising physician for a physician assistant; or~~

~~(c) Limits the authority of a supervising physician with regard to any protocol, standing order or delegation of authority applicable to a physician assistant supervised by the physician,~~

~~➡ is against public policy and void.~~

~~3. If a physician refuses to act as a supervising physician for a physician assistant pursuant to this section, the supervising physician or his or her designee must provide written notice to the physician assistant and the Board. Such written notice must clearly state that the supervising physician:~~

~~(a) Refuses to act as a supervising physician for the physician assistant; and~~

~~(b) No longer serves as the supervising physician.~~

~~4. The supervising physician shall not refuse to act as a supervising physician to a physician assistant until the physician assistant receives the notice required by subsection 3.~~

~~5. Upon receiving the written notice described in subsection 3 from a supervising physician, a physician assistant must:~~

~~(a) Immediately stop performing medical services for any patients of the supervising physician; and~~

~~(b) Notify the Board of any contract with a new supervising physician within 5 business days after entering into the contract.~~ ~~]~~ (Deleted by amendment.)

Sec. 5. ~~[1. The Board shall establish by regulation the maximum number of physician assistants that a supervising physician may supervise at the same time and may establish different maximum numbers for different practice areas.~~

~~2. A supervising physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.~~

~~*3. Except as otherwise provided in subsection 4, a supervising physician may provide supervision to his or her physician assistant in person, electronically, telephonically or by fiber optics. When providing supervision electronically, telephonically or by fiber optics, a supervising physician may be at a different site than the physician assistant, including a site located within or outside this State or the United States.*~~

~~*4. A supervising physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising physician supervises the physician assistant if the physician assistant has not been previously licensed or has not previously practiced as a physician assistant. The provisions of this subsection do not apply to a federally-qualified health center.*~~

~~*5. A supervising physician providing supervision pursuant to subsection 4 must be physically present at the same location as the physician assistant performing the medical services but is not required to be in the same room as the physician assistant.*~~

~~*6. Before beginning to supervise a physician assistant, a supervising physician must communicate to the physician assistant:*~~

~~*(a) The scope of practice of the physician assistant;*~~

~~*(b) The access to the supervising physician that the physician assistant will have; and*~~

~~*(c) Any processes for evaluation that the supervising physician will use to evaluate the physician assistant.*~~

~~*7. A supervising physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.*~~

~~*8. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).]*~~ (Deleted by amendment.)

Sec. 6. *A person applying for a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS;

2. Apply for a license to practice as a physician assistant to:

(a) The Board pursuant to this chapter; and

(b) The State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for application for and issuance of a simultaneous license as a physician assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for a physician assistant pursuant to NRS 633.501.

Sec. 7. *A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS;

2. Apply:

(a) To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

(b) For a license to practice as a physician assistant to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of a physician assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for a physician assistant pursuant to NRS 633.501.

Sec. 8. *If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 633 of NRS, the person must:*

1. Apply for a license to practice as a physician assistant to the State Board of Osteopathic Medicine pursuant to chapter 633 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The fee for biennial simultaneous registration of a physician assistant pursuant to NRS 630.268; and

(b) The application and initial simultaneous license fee for a physician assistant pursuant to NRS 633.501.

Sec. 9. *On or before the last day of each quarter, the Board shall provide to the State Board of Osteopathic Medicine a list of all physician assistants licensed by the Board.*

Sec. 10. ~~*[1. A supervising physician shall review and initial charts of any patient of a physician assistant pursuant to the provisions of subsection 2 who has not previously practiced as a physician assistant.*~~

~~*2. Except as otherwise provided in subsection 3, during the first 90 days of supervision, a supervising physician shall review and initial at least 100 charts or 10 percent of the total number of charts of patients of the physician assistant, whichever is greater.*~~

~~*3. If a supervising physician has reviewed and initialed less than 100 charts of patients of the physician assistant during the first 90 days of supervision, the supervising physician must continue to review and initial charts of patients of the physician assistant after the first 90 days of supervision until the supervising physician reviews and initials at least 100 charts of patients of the physician assistant.*~~

~~*4. A supervising physician shall review and initial charts of patients of the physician assistant only to the extent that the charts include medical services provided within the portion of the practice of the physician assistant that the supervising physician supervises.*~~

~~*5. The Board shall not adopt regulations requiring a supervising physician to review and initial the charts of a patient of a physician assistant the supervising physician is supervising in addition to what is required by this section.]*~~ (Deleted by amendment.)

Sec. 11. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Physicians who are temporarily exempt from licensure pursuant to NRS 630.2665 and are practicing medicine within the scope of the exemption;

(e) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(f) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

(g) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

(h) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

(i) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

(j) The maintenance of medical equipment for perfusion or respiratory care that is not attached to a patient; ~~[and]~~

(k) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice ~~[.]~~ *;*

(l) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program; and

(m) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 12. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605 to 630.161, inclusive, and 630.258 to 630.2665, inclusive, *and section 2 of this act,* a license may be issued to any person who:

(a) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(b) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(d) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (a).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the

information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct an alcohol or other substance use disorder;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 13. NRS 630.195 is hereby amended to read as follows:

630.195 1. Except as otherwise provided in NRS 630.1606 and 630.1607 ~~[,]~~ *and section 2 of this act,* in addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

(a) The degree of doctor of medicine or its equivalent, as determined by the Board; and

(b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 14. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board. *Any physician assistant who notifies the Board of his or her desire to be placed on inactive status in writing on a form prescribed by the Board may be placed on inactive status by order of the Board.*

2. Each inactive licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. An inactive licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If an inactive licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board may impose upon the licensee a fine not to exceed $250.

3. In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.

4. *An inactive physician assistant shall not practice as a physician assistant. The Board shall consider an inactive physician assistant who practices as a physician assistant to be practicing without a license. Such practice constitutes grounds for disciplinary action against the physician assistant in accordance with the regulations adopted by the Board pursuant to NRS 630.275.*

5. The Board shall exempt an inactive physician assistant from paying the applicable fee for biennial registration prescribed by NRS 630.268.

6. Before resuming the practice of medicine *or practice as a physician assistant* in this State, the inactive licensee must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine *or practice as a physician assistant, as applicable,* in this State;

(b) File an affidavit with the Board describing the activities of the licensee during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine ~~[.~~ ~~5.]~~ *or practice as a physician assistant, as applicable.*

7. If the Board determines that the conduct or competence of the licensee during the period of inactive status would have warranted denial of an application for a license to practice medicine *or practice as a physician assistant* in this State, the Board may refuse to place the licensee on active status.

Sec. 15. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 *or section 2 of this act, as applicable,* or the requirements for licensure by endorsement set forth in NRS 630.1605, 630.1606 or 630.1607;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the

physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board must issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance of the renewed license.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 16. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement	$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant, including a license by endorsement	400
For application for and issuance of a simultaneous license as a physician assistant	*200*
For biennial registration of a physician assistant	800
For biennial simultaneous registration of a physician assistant	*400*
For biennial registration of a physician	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care	$400
For biennial renewal of a license as a perfusionist	600
For biennial registration of a practitioner of respiratory care	600

For biennial registration for a physician who is on inactive status 400
For written verification of licensure..... 50
For a duplicate identification card 25
For a duplicate license 50
For computer printouts or labels 500
For verification of a listing of physicians, per hour 20
For furnishing a list of new physicians 100

2. Except as otherwise provided in subsections 4 and 5, in addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 630.1607, and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 630.2752, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

5. If an applicant submits an application for a license by endorsement pursuant to NRS 630.1606 or 630.2751, as applicable, the Board shall charge and collect not more than the fee specified in subsection 1 for the application for and initial issuance of a license.

Sec. 17. ~~[NRS 630.271 is hereby amended to read as follows:~~

~~630.271 1. A physician assistant may perform such medical services as [the]:~~

~~*(a) The* physician assistant is authorized to perform by his or her supervising physician [. Such services may include] , *including, without limitation,* ordering home health care for a patient [.] *; and*~~

~~*(b) Are within the scope of practice of the supervising physician.*~~

~~2. The Board and supervising physician shall limit the authority of a physician assistant to prescribe controlled substances to those schedules of controlled substances that the supervising physician is authorized to prescribe pursuant to state and federal law.]~~ (Deleted by amendment.)

Sec. 18. ~~[NRS 630.273 is hereby amended to read as follows:~~

~~630.273 The Board may issue a license to an applicant who [is qualified under] :~~

~~*1. Meets* the *qualifications set forth in this chapter and the* regulations of the Board to perform medical services under the supervision of a supervising physician [. The] ;~~

~~*2. Submits an* application for a license as a physician assistant [must include] *which includes* all information required to complete the application [.] *; and*~~

~~*3. Has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physicians Assistants, or its successor organization, or by another nationally recognized organization as determined by the Board for the accreditation of physician assistants.]~~ (Deleted by amendment.)

Sec. 19. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. 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. The tests or examinations of applicants *required* by the Board.
6. 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. The duration, renewal and termination of licenses, including licenses by endorsement. *The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirements for the renewal of licenses*.
8. The grounds and procedures respecting disciplinary actions against physician assistants.
9. 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. 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.

Sec. 20. NRS 630.2751 is hereby amended to read as follows:

630.2751 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~[~~:

~~(a) Holds]~~ *holds* a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States . ~~[~~; and

~~(b) Is certified in a specialty recognized by the American Board of Medical Specialties.]~~

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

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

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

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

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 21. NRS 630.2752 is hereby amended to read as follows:

630.2752 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; *and*

(b) ~~[Is certified in a specialty recognized by the American Board of Medical Specialties; and~~

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

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

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

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

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

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

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

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

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

Sec. 22. ~~[NRS 630.400 is hereby amended to read as follows:~~

~~630.400 1. It is unlawful for any person to:~~

~~(a) Present to the Board as his or her own the diploma, license or credentials of another;~~

~~(b) Give either false or forged evidence of any kind to the Board;~~

~~(c) Practice medicine, perfusion or respiratory care *or practice as a physician assistant* under a false or assumed name or falsely personate another licensee;~~

~~(d) Except as otherwise provided by a specific statute, practice medicine, perfusion or respiratory care *or practice as a physician assistant* without being licensed under this chapter;~~

~~(e) Hold himself or herself out as a perfusionist or use any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;~~

~~(f) [Hold] *Except as authorized by subsection 2, hold* himself or herself out as a physician assistant or use any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or~~

~~(g) Hold himself or herself out as a practitioner of respiratory care or use any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board.~~

~~*2. A person who meets the qualifications for licensure to practice as a physician assistant pursuant to this chapter and holds a certification from the National Commission on Certification of Physician Assistants, or its successor organization, but does not possess a current license pursuant to this chapter may use the title "inactive physician assistant" and shall not act or practice as a physician assistant.*~~

~~*3.* Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who violates any provision of subsection 1 [:] *or 2:*~~

~~(a) If no substantial bodily harm results, is guilty of a category D felony; or~~

~~(b) If substantial bodily harm results, is guilty of a category C felony,~~

~~➥ and shall be punished as provided in NRS 193.130.~~

~~[3.] *4.* In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1 [,] *or prohibited by subsection 2*, the Board may:~~

~~(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1 [.] *or 2*. An order to cease and desist must include a telephone number with which the person may contact the Board.~~

~~(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit~~

~~a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~(c) Assess against the person an administrative fine of not more than $5,000.~~

~~(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).]~~ (Deleted by amendment.)

Sec. 23. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 29, inclusive, of this act.

Sec. 24. *1. Except as otherwise provided in NRS 633.315, the Board may issue a license to any person who:*

(a) Has received a degree of doctor of medicine from a school of osteopathic medicine located in the United States or Canada and has completed 2 years of postgraduate residency training; or

(b) Has received a degree of doctor of medicine from a school of osteopathic medicine located outside of the United States and Canada and has completed 3 years of postgraduate residency training.

2. The applicant for a license shall submit verified proof satisfactory to the Board that the applicant meets the requirements of subsection 1.

Sec. 25. *A person applying for a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply for a license to practice as a physician assistant to:

(a) The Board pursuant to this chapter; and

(b) The Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The application and initial simultaneous license fee for a physician assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as a physician assistant pursuant to NRS 630.268.

Sec. 26. *A person applying to renew a license to practice as a physician assistant pursuant to the provisions of this chapter who wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS must:*

1. Indicate in the application that he or she wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS;

2. Apply:

(a) To renew a license to practice as a physician assistant to the Board pursuant to this chapter; and

(b) For a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

3. Pay all applicable fees, including, without limitation:

(a) The annual simultaneous registration fee for a physician assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as a physician assistant pursuant to NRS 630.268.

Sec. 27. *If a person licensed to practice as a physician assistant pursuant to the provisions of this chapter is not applying to renew his or her license and wishes to hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS, the person must:*

1. Apply for a license to practice as a physician assistant to the Board of Medical Examiners pursuant to chapter 630 of NRS; and

2. Pay all applicable fees, including, without limitation:

(a) The annual simultaneous registration fee for a physician assistant pursuant to NRS 633.501; and

(b) The fee for application for and issuance of a simultaneous license as a physician assistant pursuant to NRS 630.268.

Sec. 28. *On or before the last day of each quarter, the Board shall provide to the Board of Medical Examiners a list of all physician assistants licensed by the Board.*

Sec. 29. ~~*[1. A supervising osteopathic physician shall review and initial charts of any patient of a physician assistant pursuant to the provisions of subsection 2 who has not previously practiced as a physician assistant.*~~

~~*2. Except as otherwise provided in subsection 3, during the first 90 days of supervision, a supervising osteopathic physician shall review and initial at least 100 charts or 10 percent of the total number of charts of patients of the physician assistant, whichever is greater.*~~

~~*3. If a supervising osteopathic physician has reviewed and initialed less than 100 charts of patients of the physician assistant during the first 90 days of supervision, the supervising osteopathic physician must continue to review and initial charts of patients of the physician assistant after the first 90 days of supervision until the supervising osteopathic physician reviews and initials at least 100 charts of patients of the physician assistant.*~~

~~*4. A supervising osteopathic physician shall review and initial charts of patients of the physician assistant only to the extent that the charts include medical services provided within the portion of the practice of the physician assistant that the supervising osteopathic physician supervises.*~~

~~*5. The Board shall not adopt regulations requiring a supervising physician to review and initial the charts of a patient of a physician assistant the supervising physician is supervising in addition to what is required by this section.]*~~ (Deleted by amendment.)

Sec. 30. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 31. NRS 633.305 is hereby amended to read as follows:

633.305 Except as otherwise provided in NRS 633.399, 633.400, 633.4335 and 633.4336 ~~[.]~~ *and section 24 of this act:*

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 32. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315 and 633.381 to 633.419, inclusive, *and section 24 of this act,* an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

(a) The applicant is 21 years of age or older;

(b) The applicant is a graduate of a school of osteopathic medicine;

(c) The applicant:

(1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(I) A hospital internship; or

(II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

(d) The applicant applies for the license as provided by law;

(e) The applicant passes:

(1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(2) All parts of the licensing examination of the Federation of State Medical Boards;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(4) A combination of the parts of the licensing examinations specified in subparagraphs (1), (2) and (3) that is approved by the Board;

(f) The applicant pays the fees provided for in this chapter; and

(g) The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (c) of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (c) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 33. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➥ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 *or section 24 of this act, as applicable,* or the requirements for licensure by endorsement set forth in NRS 633.399 or 633.400;

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The

license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 34. ~~[NRS 633.433 is hereby amended to read as follows:~~

~~633.433 The Board may issue a license as a physician assistant to an applicant who [is qualified under] :~~

~~*1. Meets* the *qualifications set forth in this chapter and the* regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician [. The] *; and*~~

~~*2. Submits an* application for a license as a physician assistant [must include] *that includes* all information required to complete the application [.] *; and*~~

~~*3. Has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants, or its successor organization, or by another nationally recognized organization as determined by the Board for the accreditation of physician assistants.]~~ (Deleted by amendment.)

Sec. 35. NRS 633.4335 is hereby amended to read as follows:

633.4335 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant ~~[:~~

~~(a) Holds]~~ *holds* a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States . ~~[; and~~

~~(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.]~~

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

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

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

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

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 36. NRS 633.4336 is hereby amended to read as follows:

633.4336 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; *and*

(b) ~~[Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; and~~

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

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

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

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

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

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

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

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

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

Sec. 37. ~~[NRS 633.434 is hereby amended to read as follows:~~

~~633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:~~

~~1. The educational and other qualifications of applicants.~~

~~2. The required academic program for applicants.~~

~~3. The procedures for applications for and the issuance of licenses.~~

~~4. The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to NRS 633.4335 and 633.4336.~~

~~5. The tests or examinations of applicants *required* by the Board.~~

~~— 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637B, respectively, of NRS.~~

~~— 7. The grounds and procedures respecting disciplinary actions against physician assistants.~~

~~— 8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.~~

~~— 9. The annual renewal of licenses, including licenses by endorsement pursuant to NRS 633.4335 and 633.4336.]~~ (Deleted by amendment.)

Sec. 38. ~~[NRS 633.452 is hereby amended to read as follows:~~

~~— 633.452 — 1. —[A]~~ *Except as otherwise provided in this section, a* physician assistant ~~[licensed under the provisions of this chapter who is responding to a need for medical care created by an emergency or disaster, as declared by an applicable governmental entity, may render emergency care that is directly related to the emergency or disaster]~~ *is considered to be and is deemed the agent of his or her supervising osteopathic physician in the performance of all medical activities.*

~~— 2. — A physician assistant shall not perform medical services~~ without ~~[the]~~ supervision ~~[of an]~~ *from his or her supervising* osteopathic physician ~~[, as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.~~

~~— 2. — An osteopathic physician who supervises a physician assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, shall not be required to meet the requirements set forth in this chapter for such supervision.]~~ *except in:*

~~— (a) Life-threatening emergencies, including, without limitation, at the scene of an accident; or~~

~~— (b) Emergency situations, including, without limitation, human-caused or natural disaster relief efforts.~~

~~— 3. — When a physician assistant performs medical services in an emergency described in subsection 2:~~

~~— (a) The physician assistant is not the agent of his or her supervising osteopathic physician and the supervising osteopathic physician is not responsible or liable for any medical services provided by the physician assistant;~~

~~— (b) The physician assistant may provide whatever medical services possible based on the need of the patient and the training, education and experience of the physician assistant;~~

~~— (c) If an osteopathic physician is available on-scene, the physician assistant may take direction from the osteopathic physician; and~~

~~— (d) The physician assistant shall make a reasonable effort to contact his or her supervising osteopathic physician, as soon as possible, to advise him or~~

~~*her of the incident and the physician assistant's role in providing medical services.]*~~ (Deleted by amendment.)

Sec. 39. NRS 633.466 is hereby amended to read as follows:

633.466 1. A physician assistant *who does not hold a simultaneous license to practice as a physician assistant pursuant to the provisions of chapter 630 of NRS* may be supervised by a physician licensed to practice medicine in this State pursuant to chapter 630 of NRS in place of his or her supervising osteopathic physician if:

(a) The physician assistant works in a geographical area where the physician assistant can be conveniently supervised only by such a physician; and

(b) The supervising osteopathic physician and the physician licensed pursuant to chapter 630 of NRS agree to the arrangement.

2. A physician assistant so supervised is not a physician assistant for the purposes of chapter 630 of NRS solely because of that supervision.

3. The State Board of Osteopathic Medicine shall adopt jointly with the Board of Medical Examiners regulations necessary to administer the provisions of this section.

Sec. 40. ~~[NRS 633.468 is hereby amended to read as follows:~~

~~633.468 1. [An] *Subject to the provisions of this section, an* osteopathic physician may at any time refuse to act as a supervising osteopathic physician for a physician assistant.~~

~~2. A condition, stipulation or provision in a contract or other agreement which:~~

~~(a) Requires an osteopathic physician to act as a supervising osteopathic physician for a physician assistant;~~

~~(b) Penalizes an osteopathic physician for refusing to act as a supervising osteopathic physician for a physician assistant; or~~

~~(c) Limits a supervising osteopathic physician's authority with regard to any protocol, standing order or delegation of authority applicable to a physician assistant supervised by the osteopathic physician,~~

~~→ is against public policy and is void.~~

~~*3. If an osteopathic physician refuses to act as a supervising osteopathic physician for a physician assistant pursuant to this section, the supervising osteopathic physician or his or her designee must provide written notice to the physician assistant and the Board. Such written notice must clearly state that the supervising osteopathic physician:*~~

~~*(a) Refuses to act as a supervising osteopathic physician for the physician assistant; and*~~

~~*(b) No longer serves as the supervising osteopathic physician.*~~

~~*4. The supervising osteopathic physician shall not refuse to act as a supervising osteopathic physician until the physician assistant receives the notice required by subsection 3.*~~

~~*5. Upon receiving the notice described in subsection 3 from a supervising osteopathic physician, the physician assistant must:*~~

~~*(a) Immediately stop performing medical services for any patients of the supervising osteopathic physician; and*~~

~~*(b) Notify the Board of a contract with a new supervising osteopathic physician within 5 business days after entering into such contract.*~~ ~~]~~ (Deleted by amendment.)

Sec. 41. ~~[NRS 633.469 is hereby amended to read as follows:~~

~~633.469 1. *The Board shall establish by regulation the maximum number of physician assistants that a supervising osteopathic physician may supervise at the same time and may establish different maximum numbers for different practice areas.*~~

~~2. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.~~

~~[2.]~~ *3.* ~~Except as otherwise provided in subsection [3,]~~ *4,* ~~a supervising osteopathic physician may provide supervision to his or her physician assistant in person, electronically, telephonically or by fiber optics. When providing supervision electronically, telephonically or by fiber optics, a supervising osteopathic physician may be at a different site than the physician assistant, including a site located within or outside this State or the United States.~~

~~[3.]~~ *4.* ~~A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant [.]~~ ~~*if the physician assistant has not been previously licensed or has not previously practiced as a physician assistant.* The provisions of this subsection do not apply to a federally qualified health center.~~

~~[4.]~~ *5. A supervising osteopathic physician providing supervision pursuant to subsection 4 must be physically present at the same location as the physician assistant performing the medical services but is not required to be in the same room as the physician assistant.*

~~*6.* Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:~~

~~(a) The scope of practice of the physician assistant;~~

~~(b) The access to the supervising osteopathic physician that the physician assistant will have; and~~

~~(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.~~

~~[5.]~~ *7.* ~~A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.~~

~~[6.]~~ *8.* ~~As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).]~~ (Deleted by amendment.)

Sec. 42. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 10 and NRS 633.491, every holder of a license *, except a physician assistant,* 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]~~ *Subject to subsection 11, 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]~~ *Subject to subsection 11, 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.

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 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. 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. 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.

11. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

Sec. 43. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee who retires from practice is not required annually to renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and any other evidence that the Board may require to verify the retirement.

2. An osteopathic physician or physician assistant who retires from practice and who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees *or annual registration fees* from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if the licensee has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.

3. A licensee who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine or cease to practice as a physician

assistant in Nevada and any other evidence that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. An osteopathic physician or physician assistant whose license has been placed on inactive status:

(a) Is not required to annually renew the license.

(b) ~~[Shall]~~ *Except as otherwise provided in subsection 6, shall* annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not practice osteopathic medicine or practice as a physician assistant in this State.

5. *A physician assistant whose license has been placed on inactive status shall not practice as a physician assistant. The Board shall consider a physician assistant whose license has been placed on inactive status and who practices as a physician assistant to be practicing without a license. Such practice constitutes grounds for disciplinary action against the physician assistant in accordance with the regulations adopted by the Board pursuant to NRS 633.434.*

6. The Board shall exempt a physician assistant whose license has been placed on inactive status from paying the inactive license fee prescribed by NRS 633.501.

7. An osteopathic physician or physician assistant whose license is on inactive status and who wishes to renew his or her license to practice osteopathic medicine or license to practice as a physician assistant must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license; and

(2) Each year after the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would constitute grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 44. NRS 633.501 is hereby amended to read as follows:

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

(a) Application and initial license fee for an osteopathic physician $800
(b) Annual license renewal fee for an osteopathic physician 500
(c) Temporary license fee 500
(d) Special or authorized facility license fee 200
(e) Special event license fee 200
(f) Special or authorized facility license renewal fee 200
(g) Reexamination fee 200
(h) Late payment fee 300

(i) Application and initial license fee for a physician assistant 400

(j) ~~[Annual license renewal]~~ *Application and initial simultaneous license fee for a physician assistant* *200*

(k) Annual registration fee for a physician assistant 400

~~[(k)]~~ *(l) Annual simultaneous registration fee for a physician assistant* *200*

(m) Inactive license fee 200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 633.399 or 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) NRS 633.4336, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 45. ~~[NRS 633.741 is hereby amended to read as follows:~~

~~633.741 1. It is unlawful for any person to:~~

~~(a) Except as otherwise provided in NRS 629.091, practice:~~

~~(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;~~

~~(2) As a physician assistant without a valid license under this chapter; or~~

~~(3) Beyond the limitations ordered upon his or her practice by the Board or the court;~~

~~(b) Present as his or her own the diploma, license or credentials of another;~~

~~(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;~~

~~(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;~~

~~(e) Practice osteopathic medicine or practice as a physician assistant under a false or assumed name or falsely personate another licensee of a like or different name;~~

~~(f) Hold himself or herself out as a physician assistant or use any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or~~

~~(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter.~~

~~2. *A person who meets the qualifications for licensure to practice as a physician assistant pursuant to this chapter and holds a certification from the National Commission on Certification of Physician Assistants, or its successor organization, but does not possess a current license pursuant to this chapter may use the title "inactive physician assistant" and shall not act or practice as a physician assistant.*~~

~~*3.* A person who violates any provision of subsection 1 [;] *or 2:*~~

~~(a) If no substantial bodily harm results, is guilty of a category D felony; or~~

~~(b) If substantial bodily harm results, is guilty of a category C felony,~~

~~↵ and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.~~

~~[3.] *4.* In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1 [,] *or prohibited by subsection 2*, the Board may:~~

~~(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1 [.] *or 2*. An order to cease and desist must include a telephone number with which the person may contact the Board.~~

~~(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~(c) Assess against the person an administrative fine of not more than $5,000.~~

~~(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).]~~ (Deleted by amendment.)

Sec. 46. ~~[1. The Board of Medical Examiners shall, on or before January 31, 2022, adopt the regulations required pursuant to subsection 1 of section 5 of this act.~~

~~2. The State Board of Osteopathic Medicine shall, on or before January 31, 2022, adopt the regulations required pursuant to subsection 1 of NRS 633.469, as amended by section 41 of this act.~~] (Deleted by amendment.)

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 preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) January 1, 2022, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 401 makes one change to Senate Bill No. 184. It deletes several sections of the bill, which make various changes regarding issuing a physician assistant (PA) license, supervision of a PA and authorizing a PA to use the title of "inactive PA."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 434.

SUMMARY—Revises provisions relating to the education of a child with an emotional disturbance. (BDR 38-561)

AN ACT relating to child welfare; requiring the development of a plan for the education of certain children admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness; requiring a school district providing services to such a child to submit certain programs and plans to the psychiatric hospital ~~[or other facility;]~~ ; requiring a school district providing services to a child admitted to a facility which provides residential treatment for mental illness to monitor the progress and participate in transition planning for the child; requiring a school district providing services to a child who is admitted to a facility which provides residential treatment for mental illness to convene certain meetings before the admission of the child to the facility; requiring the Department of Education to adopt regulations relating to the transition from a facility which provides residential treatment for mental illness to a school or other educational setting after discharge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the court-ordered admission of a child with an emotional disturbance who is in the custody of an agency which provides child welfare services to a psychiatric hospital or facility which provides residential treatment for mental illness. (NRS 432B.6076) Existing law provides that a child who is admitted to a psychiatric hospital or other facility under those conditions has the right to an education. (NRS 432B.6082) Section 1 of this bill requires a ~~[facility]~~ psychiatric hospital to which such a child is admitted to develop a plan for the continued education of the child in consultation with the public or private school in which the child was enrolled at the time of admission, any school district that was providing services to the child at the time of admission, the agency which provides child welfare services and any person responsible for the education of the child. Section 1 requires that before

a child is admitted to a facility which provides residential treatment for mental illness, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted must monitor the child's progress while the child is admitted to the facility and participate in the discharge planning for transitioning the child into a school or any other educational setting. Section 1 additionally requires that before a pupil with a disability is admitted to a facility which provides residential treatment for mental illness, the school district must convene an individualized education program meeting to consider the appropriateness of a residential placement. For any other child, section 1 instead requires that before the child's admission to such a facility, the school district convene a meeting of representatives from the child's school, the school district, the child welfare services agency, any person responsible for the education of the child and any other agency or organization that supports the child, to consider the appropriateness of a residential placement. Sections 2-4 of this bill make conforming changes to: (1) indicate the placement of section 1 in the Nevada Revised Statutes; and (2) clarify that a child who is admitted to a facility has the right to an education in accordance with the plan. Sections 5 and 6 of this bill require the public or private school in which the child was enrolled at the time of admission to the facility and the school district that was providing services to the child at the time of admission to the facility to participate in the development of and comply with the plan.

Existing law requires that the treatment provided to a child with an emotional disturbance must be designed to facilitate the adjustment and effective functioning of the child in his or her present or anticipated situation in life, and includes certain services. (NRS 433B.300) Section 6.5 of this bill requires that a plan for the continued education of the child if the child is admitted to a psychiatric hospital or facility which provides residential treatment for mental illness is included in the required services. Existing law requires that when a child enters foster care, the agency which provides child welfare services to the child, in consultation with the local education agency and the educational decision maker, must consider certain factors in determining whether it is in the best interests of the child to remain in his or her school of origin. (NRS 388E.105) Section 4.5 of this bill requires that the consideration of a plan for the continued education of the child, if the child is admitted to a psychiatric hospital or facility which provides residential treatment for mental illness, be added to the list of factors considered when determining whether it is in the best interests of the child to remain in his or her school of origin.

Existing federal law requires a school district to develop an individualized education program for the education of a pupil with a disability who attends a public school in the district. (20 U.S.C. § 1414) Existing federal regulations also require a school district to develop a services plan to provide services to a pupil with a disability who attends a private school located within the geographic boundaries of the district. (34 C.F.R. §§ 300.132,

300.137-300.139) If a child for whom an individualized education program or services plan has been developed is in the custody of an agency which provides child welfare services and admitted by a court to a psychiatric hospital or other facility which provides residential treatment for mental illness, sections 5 and 6 require the school district to provide the individualized education program or services plan, as applicable, to the psychiatric hospital or other facility.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A ~~[facility]~~ psychiatric hospital to which a child who is in the custody of an agency which provides child welfare services is admitted pursuant to NRS 432B.6076 shall, in consultation with the public or private school in which the child was enrolled when he or she was admitted to the ~~[facility,]~~ psychiatric hospital, any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the ~~[facility,]~~ psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the ~~[facility.]~~ psychiatric hospital. The plan must be:

(a) Provided to the child, the agency which provides child welfare services, the child's caseworker, if applicable, any person responsible for the education of the child, the school and, if applicable, the school district; and

(b) Submitted to the court after each period of admission ordered by the court pursuant to NRS 432B.6076 in the manner set forth in NRS 432B.608.

2. A plan for the continued education of a child developed pursuant to subsection 1 must include, without limitation:

(a) The number of hours of instruction each week that must be provided to the child while the child is admitted to the ~~[facility;]~~ psychiatric hospital;

(b) Provisions for the transfer of instructional materials to the ~~[facility]~~ psychiatric hospital from the school in which the child was enrolled when he or she was admitted to the ~~[facility;]~~ psychiatric hospital;

(c) Procedures for monitoring the implementation of the plan and the appropriateness of the instruction being provided to the child;

(d) If an individualized education program or services plan has been developed for the child and provided to the ~~[facility]~~ psychiatric hospital pursuant to section 5 or 6 of this act, provisions to ensure that the psychiatric hospital maintains compliance with the individualized education program or services plan, as applicable; and

(e) A plan for continuing the education of the child after he or she is discharged from the ~~[facility,]~~ psychiatric hospital, including, without limitation, a plan for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge.

3. Before admission of a child who is in the custody of an agency which provides child welfare services to a facility which provides residential treatment for mental illness, the public or private school or any school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the facility must:

(a) For a child who is a pupil with a disability, convene an individualized education program meeting to consider the appropriateness of a residential placement under federal law as it relates to the child's education needs;

(b) Convene a meeting of representatives of the public or private school in which the child was enrolled, the school district in which the child was enrolled, the agency which provides child welfare services, any person responsible for the education of the child and any other organization that provides support to the child, as appropriate, to consider, pursuant to the statewide framework for integrated student supports established pursuant to NRS 388.885, the appropriateness of a residential placement;

(c) Monitor the child's progress while the child is admitted to the facility; and

(d) Participate in discharge planning for transitioning the child into a school or any other educational setting in which the child will receive instruction after discharge. The Department of Education shall adopt regulations necessary to carry out the provisions of this subsection.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Person responsible for the education of the child" includes, without limitation, the parent or guardian of the child and any educational decision maker appointed for the child pursuant to NRS 432B.462.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

(d) "Public school" includes, without limitation, a university school for profoundly gifted pupils.

(e) "Services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 2. NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 432B.6082 is hereby amended to read as follows:

432B.6082 In addition to the personal rights set forth in NRS 432B.607 to 432B.6085, inclusive, *and section 1 of this act*, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS, and NRS 435.530 to 435.635, inclusive, a child who is in the custody of an agency which provides child welfare services and who is admitted to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing evaluation, treatment or training services to such children

and must be otherwise brought to the attention of the child by such additional means as prescribed by regulation:

1. To receive an education *in accordance with a plan developed pursuant to section 1 of this act* as required by law; and

2. To receive an allowance from the agency which provides child welfare services in an amount equivalent to any allowance required to be provided to children who reside in foster homes.

Sec. 4. NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, *and section 1 of this act,* 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

Sec. 4.5. NRS 388E.105 is hereby amended to read as follows:

388E.105 1. When a child enters foster care or changes placement while in foster care, the agency which provides child welfare services to the child shall determine whether it is in the best interests of the child for the child to remain in his or her school of origin. In making this determination, there is a rebuttable presumption that it is in the best interests of the child to remain in his or her school of origin.

2. In determining whether it is in the best interests of a child in foster care to remain in his or her school of origin, the agency which provides child welfare services, in consultation with the local education agency and the educational decision maker appointed for the child pursuant to NRS 432B.462, must consider, without limitation:

(a) The wishes of the child;

(b) The educational success, stability and achievement of the child;

(c) Any individualized education program or academic plan developed for the child;

(d) Whether the child has been identified as an English learner;

(e) The health and safety of the child;

(f) The availability of necessary services for the child at the school of origin; ~~[and]~~

(g) Whether the child has a sibling enrolled in the school of origin *;* ~~[.]~~ *and*

(h) A plan for the continued education of the child, developed pursuant to section 1 of this act, if the child is admitted to a psychiatric hospital or facility which provides residential treatment for mental illness.

➥ The costs of transporting the child to the school of origin must not be considered when determining whether it is in the best interests of the child to remain at his or her school of origin.

3. If the agency which provides child welfare services determines that it is in the best interests of a child in foster care to attend a public school other than the child's school of origin:

(a) The agency which provides child welfare services must:

(1) Provide written notice of its determination to every interested party as soon as practicable; and

(2) In collaboration with the local education agency, ensure that the child is immediately enrolled in that public school; and

(b) The public school may not refuse to the enroll the child on the basis that the public school does not have:

(1) A certificate stating that the child has been immunized and has received proper boosters for that immunization;

(2) A birth certificate or other document suitable as proof of the child's identity;

(3) A copy of the child's records from the school the child most recently attended; or

(4) Any other documentation required by a policy adopted by the public school or the local education agency.

Sec. 5. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a pupil who is enrolled in a public school, including, without limitation, a university school for profoundly gifted pupils, is admitted by a court to a psychiatric hospital or facility which provides residential treatment for mental illness pursuant to NRS 432B.6076, the public school and, if applicable, the school district in which the child is enrolled, must:

(a) ~~[Participate]~~ If the pupil is admitted to a psychiatric hospital, participate in the development of a plan for the continued education of the pupil pursuant to section 1 of this act and comply with the provisions of the plan; and

(b) If an individualized education program has been developed for the pupil, provide the individualized education program to the psychiatric hospital or facility.

2. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 6. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital ~~[or facility which provides residential treatment for mental illness]~~ pursuant to NRS 432B.6076, the private school must participate in the development of a plan for the continued education of the pupil pursuant to section 1 of this act and comply with the provisions of the plan.

2. If a pupil who is enrolled in a private school is admitted by a court to a psychiatric hospital ~~[or facility which provides residential treatment for mental illness]~~ pursuant to NRS 432B.6076 and the school district within whose geographic boundaries the private school is located has developed a services plan for the child, the school district must:

(a) Participate in the development of a plan for the continued education of the pupil pursuant to section 1 of this act and comply with the provisions of the plan; and

(b) Provide the services plan to the psychiatric hospital . ~~[or facility.]~~

3. As used in this section, "services plan" has the meaning ascribed to it in 34 C.F.R. § 300.37.

Sec. 6.5. NRS 433B.300 is hereby amended to read as follows:

433B.300 The treatment provided to a child with an emotional disturbance must be designed to facilitate the adjustment and effective functioning of that child in his or her present or anticipated situation in life, and includes:

1. Services provided without admission to a facility, such as:

(a) Counseling for the family;

(b) Therapy in a group for parents and children;

(c) Classes for parents in effective techniques for the management of children;

(d) Individual therapy for children; and

(e) Evaluation of the child, including personal assessments and studies of individual social environments;

2. Services for the care of children during the day, involving educational programs and therapy programs provided after school or for half a day;

3. Placement in transitional homes operated by professionally trained parents working in close consultation with the administrative officer and the staff of the administrative officer; ~~[and]~~

4. Short-term residential services providing 24-hour supervision, evaluation and planning and intensive counseling for the family, therapy and educational evaluation and consultation ~~[.]~~ *; and*

5. A plan for the continued education of the child if the child is admitted to a psychiatric hospital or a facility which provides residential treatment for mental illness, as applicable, developed pursuant to section 1 of this act, and the communication and coordination of that plan with the school district and the agency which provides child welfare services.

Sec. 7. 1. This ~~[act]~~ section becomes effective ~~[on July 1, 2021.]~~ upon passage and approval.

2. Sections 1 to 6, 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. 434 to Senate Bill No. 210 distinguishes admittance processes between an acute psychiatric treatment center and a residential treatment center. It includes relevant language in chapter 433B of NRS to ensure compliance and uniformity with the continued education plan at the facility. It includes relevant language in chapter 388E of NRS concerning the educational rights of foster children to ensure that section of NRS complies with the new provisions established in this bill. It clarifies that a meeting will be convened prior to the admission of a student to a

residential treatment center and further clarifies the different processes depending upon whether a student is identified as having special education needs or not. Finally, it allows the Nevada Department of Education to develop regulations related to the discharge of students from such facilities and for their re-entry to school.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 217.

Bill read second time.

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

Amendment No. 402.

SUMMARY—Revises provisions related to applied behavior analysis. (BDR 54-533)

AN ACT relating to applied behavior analysis; transferring responsibilities concerning licensing and regulation of the practice of applied behavior analysis from the Aging and Disability Services Division of the Department of Health and Human Services to the Board of Applied Behavior Analysis; making provisions governing providers of health care applicable to behavior analysts, assistant behavior analysts and registered behavior technicians; authorizing the Board to contract with certain entities to carry out duties relating to regulating the practice of applied behavior analysis; requiring members of the Board to complete orientation; revising the activities that constitute the practice of applied behavior analysis; revising requirements concerning the supervision of assistant behavior analysts and registered behavior technicians; exempting certain persons from provisions governing the practice of applied behavior analysis; revising the qualifications for membership ~~[of]~~ on the Board; establishing requirements for the ethical practice of applied behavior analysis; revising provisions governing licensure by endorsement and disciplinary actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of behavior analysts and assistant behavior analysts and the registration and regulation of behavior technicians. (Chapter 437 of NRS) Existing law requires the Board of Applied Behavior Analysis to regulate the practice of applied behavior analysis and authorizes the Board to: (1) examine the qualifications of applicants for licensure or registration and license or register qualified applicants; and (2) revoke or suspend licenses and registrations. Existing law authorizes the Board to delegate certain duties to the Aging and Disability Services Division of the Department of Health and Human Services and requires the Division to collect applications and fees and conduct investigations of licensees and registrants. (NRS 437.130) Sections 41, 54-56, 58, 59, 61, 63-77, 79-82 and 84 of this bill transfer the responsibilities of the Division concerning the regulation of behavior analysts, assistant behavior analysts and registered

behavior technicians to the Board. Section 45 of this bill authorizes the Board to contract with any appropriate public or private agency, organization or institution to carry out the duties of the Board. Sections 31, 36, 57, 60, 78, 88-94 and 100 of this bill make various changes to reflect the transfer of duties from the Division to the Board.

Existing law establishes certain requirements governing the operation of licensing boards and the adjudication of contested cases before licensing boards. (Chapters 622 and 622A of NRS) Existing law additionally defines "provider of health care," for the purposes of provisions relating to the healing arts, as a person who practices in a health-related profession listed within the definition. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) Section 12 of this bill includes behavior analysts, assistant behavior analysts and registered behavior technicians within the definition of "provider of health care," which has the effect of making those provisions applicable to behavior analysts, assistant behavior analysts and registered behavior technicians. Sections 1-23, 27-30, 32, 33, 37-40, 85-87 and 95 of this bill make various changes to: (1) require the Board to operate and adjudicate contested cases in the same manner as other licensing boards; and (2) subject behavior analysts, assistant behavior analysts and registered behavior technicians to similar requirements as those that apply to other providers of health care.

Existing law prescribes the membership of the Board, which is composed of: (1) four members who are behavior analysts; and (2) one member who is a representative of the general public. (NRS 437.100) Section 53 of this bill replaces one member of the Board who ~~[is]~~ must be a behavior analyst with one member who is a behavior analyst or an assistant behavior analyst. Section 44 of this bill requires each new member of the Board to complete orientation. Section 48 of this bill revises the activities that constitute the practice of applied behavior analysis. Sections 49, 52 and 83 of this bill revise provisions governing the supervision of assistant behavior analysts and registered behavior technicians. Section 52 also requires a behavior analyst, assistant behavior analyst or registered behavior technician to comply with certain requirements concerning ethics. Section 67 of this bill clarifies that a violation of those ethical requirements would be grounds for disciplinary action.

Existing law requires: (1) an applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst to be certified as such by the Behavior Analyst Certification Board, Inc.; and (2) an applicant for the issuance or renewal of registration as a registered behavior technician to be registered as such by the Behavior Analyst Certification Board, Inc. (NRS 437.205, 437.225) Sections 47, 49, 59 and 62 of this bill revise the certifications and registrations required for the issuance or renewal of such a license or registration. Sections 63 and 64 of this bill: (1) authorize the Board

to deny licensure by endorsement as a behavior analyst or assistant behavior analyst to an applicant who has been disciplined by the Behavior Analyst Certification Board, Inc.; and (2) extend the deadline by which the Board must notify an applicant for licensure by endorsement of any additional information required by the Board to consider the application. Section 67 ~~[of this bill]~~ authorizes the Board to impose disciplinary action against a licensee or registrant who has been disciplined by the Behavior Analyst Certification Board, Inc.

Existing law exempts certain persons, including certain persons who provide applied behavior analysis services at a school, from provisions governing the practice of applied behavior analysis. (NRS 437.060) Section 50 of this bill revises the list of exempted persons to exempt from those provisions: (1) a school employee who provides services to a pupil consistent with the duties of his or her position; and (2) the guardian or caregiver of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst.

Under existing law, a behavior analyst, assistant behavior analyst or registered behavior technician may be required to take an oral or written examination to determine his or her competence to practice applied behavior analysis if there is a reasonable question as to his or her competence. (NRS 437.450) Section 76 of this bill authorizes the Board to require a behavior analyst, assistant behavior analyst or registered behavior technician to undergo certain other examinations, including mental and physical examinations, as necessary to determine competence.

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

Section 1. NRS 622.060 is hereby amended to read as follows:

622.060 "Regulatory body" means:

1. Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~[.]~~ *or chapter 437 of NRS;* and

2. Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~[.]~~ *or chapter 437 of NRS.*

Sec. 2. NRS 622.080 is hereby amended to read as follows:

622.080 In regulating an occupation or profession pursuant to this title ~~[,]~~ *or chapter 437 of NRS,* each regulatory body shall carry out and enforce the provisions of this title *or chapter 437 of NRS, as applicable,* for the protection and benefit of the public.

Sec. 3. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive

the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title ~~[,]~~ *or chapter 437 of NRS*, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS *437.210,* 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 4. NRS 622.310 is hereby amended to read as follows:

622.310 1. If any provision of this title *or chapter 437 of NRS* requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply:

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in NRS 644A.880.

Sec. 5. NRS 622.330 is hereby amended to read as follows:

622.330 1. Except as otherwise provided in this section, a regulatory body may not enter into a consent or settlement agreement with a person who has allegedly committed a violation of any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body, unless the regulatory body discusses and approves the terms of the agreement in a public meeting.

2. A regulatory body that consists of one natural person may enter into a consent or settlement agreement without complying with the provisions of subsection 1 if:

(a) The regulatory body posts notice in accordance with the requirements for notice for a meeting held pursuant to chapter 241 of NRS and the notice states that:

(1) The regulatory body intends to resolve the alleged violation by entering into a consent or settlement agreement with the person who allegedly committed the violation; and

(2) For the limited time set forth in the notice, any person may request that the regulatory body conduct a public meeting to discuss the terms of the consent or settlement agreement by submitting a written request for such a meeting to the regulatory body within the time prescribed in the notice; and

(b) At the expiration of the time prescribed in the notice, the regulatory body has not received any requests for a public meeting regarding the consent or settlement agreement.

3. If a regulatory body enters into a consent or settlement agreement that is subject to the provisions of this section, the agreement is a public record.

4. The provisions of this section do not apply to a consent or settlement agreement between a regulatory body and a licensee that provides for the licensee to enter a diversionary program for the treatment of an alcohol or other substance use disorder.

Sec. 6. NRS 622.350 is hereby amended to read as follows:

622.350 1. A regulatory body shall not hold a meeting at a location that is outside this State if:

(a) The meeting is subject to the provisions of chapter 241 of NRS; and

(b) During the meeting or any portion of the meeting, the regulatory body conducts any business relating to this title ~~[.]~~ *or chapter 437 of NRS*.

2. The provisions of subsection 1 do not prohibit a member of a regulatory body from attending an educational seminar, retreat for professional development or similar activity that is conducted outside this State.

Sec. 7. NRS 622.360 is hereby amended to read as follows:

622.360 1. If a regulatory body initiates disciplinary proceedings against a licensee pursuant to this title ~~[,]~~ *or chapter 437 of NRS,* the regulatory body may require the licensee to submit to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of

Criminal History for submission to the Federal Bureau of Investigation for its report.

2. The willful failure of the licensee to comply with the requirements of subsection 1 constitutes an additional ground for the regulatory body to take disciplinary action against the licensee, including, without limitation, suspending or revoking the license of the licensee.

3. A regulatory body has an additional ground for taking disciplinary action against the licensee if:

(a) The report from the Federal Bureau of Investigation indicates that the licensee has been convicted of an unlawful act that is a ground for taking disciplinary action against the licensee pursuant to this title ~~[.]~~ *or chapter 437 of NRS;* and

(b) The regulatory body has not taken any prior disciplinary action against the licensee based on that unlawful act.

4. To the extent possible, the provisions of this section are intended to supplement other statutory provisions governing disciplinary proceedings. If there is a conflict between such other provisions and the provisions of this section, the other provisions control to the extent that the other provisions provide more specific requirements regarding the discipline of a licensee.

Sec. 8. NRS 622.400 is hereby amended to read as follows:

622.400 1. Except as otherwise provided in this section, a regulatory body may recover from a person reasonable attorney's fees and costs that are incurred by the regulatory body as part of its investigative, administrative and disciplinary proceedings against the person if the regulatory body:

(a) Enters a final order in which it finds that the person has violated any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; or

(b) Enters into a consent or settlement agreement in which the regulatory body finds or the person admits or does not contest that the person has violated any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body.

2. A regulatory body may not recover any attorney's fees and costs pursuant to subsection 1 from a person who was subject to an investigative, administrative or disciplinary proceeding of the regulatory body unless the regulatory body submits an itemized statement of the fees and costs to the person.

3. As used in this section, "costs" means:

(a) Costs of an investigation.

(b) Costs for photocopies, facsimiles, long distance telephone calls and postage and delivery.

(c) Fees for hearing officers and court reporters at any depositions or hearings.

(d) Fees for expert witnesses and other witnesses at any depositions or hearings.

(e) Fees for necessary interpreters at any depositions or hearings.

(f) Fees for service and delivery of process and subpoenas.

(g) Expenses for research, including, without limitation, reasonable and necessary expenses for computerized services for legal research.

Sec. 9. NRS 622.410 is hereby amended to read as follows:

622.410 A court shall award to a regulatory body reasonable attorney's fees and reasonable costs specified in NRS 18.005 that are incurred by the regulatory body to bring or defend in any action if:

1. The action relates to the imposition or recovery of an administrative or civil remedy or penalty, the enforcement of any subpoena issued by the regulatory body or the enforcement of any provision of this title *or chapter 437 of NRS* which the regulatory body has the authority to enforce, any regulation adopted pursuant thereto or any order of the regulatory body; and

2. The court determines that the regulatory body is the prevailing party in the action.

Sec. 10. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters *437*, 630, 630A, 632 to 641C, inclusive, 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 11. NRS 622A.090 is hereby amended to read as follows:

622A.090 1. "Regulatory body" means:

(a) Any state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~[.]~~ *or chapter 437 of NRS; and*

(b) Any officer of a state agency, board or commission which has the authority to regulate an occupation or profession pursuant to this title ~~[; and~~

~~(c) The Aging and Disability Services Division of the Department of Health and Human Services acting pursuant to]~~ *or* chapter 437 of NRS.

2. The term does not include any regulatory body which is exempted from the provisions of this chapter pursuant to NRS 622A.120, unless the regulatory body makes an election pursuant to that section to follow the provisions of this chapter.

Sec. 12. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;
(m) A podiatric physician;
(n) A licensed psychologist;
(o) A licensed marriage and family therapist;
(p) A licensed clinical professional counselor;
(q) A music therapist;
(r) A chiropractor;
(s) An athletic trainer;
(t) A perfusionist;
(u) A doctor of Oriental medicine in any form;
(v) A medical laboratory director or technician;
(w) A pharmacist;
(x) A licensed dietitian;
(y) An associate in social work, a social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS; ~~[or]~~
(bb) *A behavior analyst, assistant behavior analyst or registered behavior technician; or*
(cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:
(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and
(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 13. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter *437,* 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:
(a) Pursuant to the provisions of subsection 7 of NRS 629.051:
(1) The health care records of a person who is less than 23 years of age may not be destroyed; and
(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and
(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 14. NRS 629.063 is hereby amended to read as follows:

629.063 1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any other federal law or regulation:

(a) A custodian of health care records having custody of any health care records of a provider of health care pursuant to this chapter shall not prevent the provider of health care from physically inspecting the health care records or receiving copies of those records upon request by the provider of health care in the manner specified in NRS 629.061.

(b) If a custodian of health care records specified in paragraph (a) ceases to do business in this State, the custodian of health care records shall, within 10 days after ceasing to do business in this State, deliver the health care records created by the provider of health care, or copies thereof, to the provider of health care.

2. A custodian of health care records who is not otherwise licensed pursuant to this title *or chapter 437* of NRS and violates a provision of this section is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $25,000 for each violation, or by both fine and imprisonment.

3. In addition to any criminal penalties imposed pursuant to subsection 2, a custodian of health care records who violates a provision of this section is subject to a civil penalty of not more than $5,000 for each violation as applied to a patient's entire health care record, to be recovered in a civil action brought in the district court in the county in which the provider of health care's principal place of business is located or in the district court of Carson City.

4. As used in this section, "custodian of health care records" does not include:

(a) A facility for hospice care, as defined in NRS 449.0033;

(b) A facility for intermediate care, as defined in NRS 449.0038;

(c) A facility for skilled nursing, as defined in NRS 449.0039;

(d) A hospital, as defined in NRS 449.012; or

(e) A psychiatric hospital, as defined in NRS 449.0165.

Sec. 15. NRS 629.076 is hereby amended to read as follows:

629.076 1. Except as otherwise provided in subsection 3:

(a) An advertisement for health care services that names a health care professional must identify the type of license or certificate held by the health care professional and must not contain any deceptive or misleading information. If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.

(b) Except as otherwise provided in subsection 4, a health care professional who provides health care services in this State shall affirmatively communicate

his or her specific licensure or certification to all current and prospective patients. Such communication must include, without limitation, a written patient disclosure statement that is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The statement must be in a font size sufficient to make the information reasonably visible.

(c) A health care professional shall, during the course of providing health care services other than sterile procedures in a health care facility, wear a name tag which indicates his or her specific licensure or certification.

(d) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty, and an advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or subspecialty, unless the physician or osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

(e) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.

2. A health care professional who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.

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

(a) A veterinarian or other person licensed under chapter 638 of NRS.

(b) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS, unless the person provides services directly to a patient or the public.

4. The provisions of paragraph (b) of subsection 1 do not apply to a health care professional who provides health care services in a medical facility licensed pursuant to chapter 449 of NRS or a hospital established pursuant to chapter 450 of NRS.

5. As used in this section:

(a) "Advertisement" means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard and any other communication or statement used in the course of business.

(b) "Deceptive or misleading information" means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care professional.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.2414.

(d) "Health care professional" means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title ~~[.]~~ *or chapter 437 of NRS.*

(e) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(f) "Osteopathic physician" has the meaning ascribed to it in NRS 633.091.

(g) "Physician" has the meaning ascribed to it in NRS 630.014.

Sec. 16. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter *437*, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 17. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter *437*, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 18. NRS 629.580 is hereby amended to read as follows:

629.580 1. A person who provides wellness services in accordance with this section, but who is not licensed, certified or registered in this State as a provider of health care, is not in violation of any law based on the unlicensed practice of health care services or a health care profession unless the person:

(a) Performs surgery or any other procedure which punctures the skin of any person;

(b) Sets a fracture of any bone of any person;

(c) Prescribes or administers X-ray radiation to any person;

(d) Prescribes or administers a prescription drug or device or a controlled substance to any person;

(e) Recommends to a client that he or she discontinue or in any manner alter current medical treatment prescribed by a provider of health care licensed, certified or registered in this State;

(f) Makes a diagnosis of a medical disease of any person;

(g) Performs a manipulation or a chiropractic adjustment of the articulations of joints or the spine of any person;

(h) Treats a person's health condition in a manner that intentionally or recklessly causes that person recognizable and imminent risk of serious or permanent physical or mental harm;

(i) Holds out, states, indicates, advertises or implies to any person that he or she is a provider of health care;

(j) Engages in the practice of medicine in violation of chapter 630 or 633 of NRS, the practice of homeopathic medicine in violation of chapter 630A of NRS or the practice of podiatry in violation of chapter 635 of NRS, unless otherwise expressly authorized by this section;

(k) Performs massage therapy as that term is defined in NRS 640C.060, reflexology as that term is defined in NRS 640C.080 or structural integration as that term is defined in NRS 640C.085; ~~[or]~~

(l) Provides mental health services that are exclusive to the scope of practice of a psychiatrist licensed pursuant to chapter 630 or 633 of NRS, or a psychologist licensed pursuant to chapter 641 of NRS ~~[.]~~ *; or*

(m) Engages in the practice of applied behavior analysis in violation of chapter 437 of NRS.

2. Any person providing wellness services in this State who is not licensed, certified or registered in this State as a provider of health care and who is advertising or charging a fee for wellness services shall, before providing those services, disclose to each client in a plainly worded written statement:

(a) The person's name, business address and telephone number;

(b) The fact that he or she is not licensed, certified or registered as a provider of health care in this State;

(c) The nature of the wellness services to be provided;

(d) The degrees, training, experience, credentials and other qualifications of the person regarding the wellness services to be provided; and

(e) A statement in substantially the following form:

> It is recommended that before beginning any wellness plan, you notify your primary care physician or other licensed providers of health care of your intention to use wellness services, the nature of the wellness services to be provided and any wellness plan that may be utilized. It is also recommended that you ask your primary care physician or other licensed providers of health care about any potential drug interactions, side effects, risks or conflicts between any medications or treatments prescribed by your primary care physician or other licensed providers of health care and the wellness services you intend to receive.

➥ A person who provides wellness services shall obtain from each client a signed copy of the statement required by this subsection, provide the client

with a copy of the signed statement at the time of service and retain a copy of the signed statement for a period of not less than 5 years.

3. A written copy of the statement required by subsection 2 must be posted in a prominent place in the treatment location of the person providing wellness services in at least 12-point font. Reasonable accommodations must be made for clients who:

(a) Are unable to read;

(b) Are blind or visually impaired;

(c) Have communication impairments; or

(d) Do not read or speak English or any other language in which the statement is written.

4. Any advertisement for wellness services authorized pursuant to this section must disclose that the provider of those services is not licensed, certified or registered as a provider of health care in this State.

5. A person who violates any provision of this section is guilty of a misdemeanor. Before a criminal proceeding is commenced against a person for a violation of a provision of this section, a notification, educational or mediative approach must be utilized by the regulatory body enforcing the provisions of this section to bring the person into compliance with such provisions.

6. This section does not apply to or control:

(a) Any health care practice by a provider of health care pursuant to the professional practice laws of this State, or prevent such a health care practice from being performed.

(b) Any health care practice if the practice is exempt from the professional practice laws of this State, or prevent such a health care practice from being performed.

(c) A person who provides health care services if the person is exempt from the professional practice laws of this State, or prevent the person from performing such a health care service.

(d) A medical assistant, as that term is defined in NRS 630.0129 and 633.075, an advanced practitioner of homeopathy, as that term is defined in NRS 630A.015, or a homeopathic assistant, as that term is defined in NRS 630A.035.

7. As used in this section, "wellness services" means healing arts therapies and practices, and the provision of products, that are based on the following complementary health treatment approaches and which are not otherwise prohibited by subsection 1:

(a) Anthroposophy.

(b) Aromatherapy.

(c) Traditional cultural healing practices.

(d) Detoxification practices and therapies.

(e) Energetic healing.

(f) Folk practices.

(g) Gerson therapy and colostrum therapy.

(h) Healing practices using food, dietary supplements, nutrients and the physical forces of heat, cold, water and light.

(i) Herbology and herbalism.

(j) Reiki.

(k) Mind-body healing practices.

(l) Nondiagnostic iridology.

(m) Noninvasive instrumentalities.

(n) Holistic kinesiology.

Sec. 19. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters *437,* 630 to 637, inclusive, 640 to 641C, inclusive, or 653 of NRS,

➥ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 20. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, *437,* 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 21. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to *chapter 437 or* chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 22. NRS 644A.880 is hereby amended to read as follows:

644A.880 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means:

(a) A board created pursuant to chapter *437,* 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 23. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means:

(a) A board created pursuant to chapter *437*, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; and

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 24. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 *or chapter 437* of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any person who is an appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person whenever the person is performing his or her duties in good faith.

4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as

a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,

➥ and who in good faith renders cardiopulmonary resuscitation in accordance with the person's training or the direction, other than in the course of the person's regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to NRS 391.092; and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,

➥ shall be presumed to have acted other than in the course of the person's regular employment or profession.

8. Any person who gratuitously and in good faith renders emergency medical care involving the use of an automated external defibrillator is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

9. A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:

(a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;

(b) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

(c) Establishes requirements for the notification of emergency medical assistance and guidelines for the maintenance of the equipment.

10. As used in this section, "gratuitously" means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

Sec. 25. NRS 86.555 is hereby amended to read as follows:

86.555 1. Except as otherwise provided by statute, an agency, board or commission that regulates an occupation or profession pursuant to title 54, 55 or 56 *or chapter 437* of NRS may grant a license to a limited-liability company or a foreign limited-liability company if the agency, board or commission is authorized to grant a license to a corporation formed pursuant to chapter 78 of NRS.

2. An agency, board or commission that makes a license available to a limited-liability company or foreign limited-liability company pursuant to subsection 1 shall adopt regulations:

(a) Listing the persons in the limited-liability company or foreign limited-liability company who must qualify for the license or indicating that the agency, board or commission will use other means to determine whether the limited-liability company or foreign limited-liability company qualifies for a license;

(b) Listing the persons who may engage in the activity for which the license is required on behalf of the limited-liability company or foreign limited-liability company;

(c) Indicating whether the limited-liability company or foreign limited-liability company may engage in a business other than the business for which the license is required;

(d) Listing the changes, if any, in the management or control of the limited-liability company or foreign limited-liability company that require notice, review, approval or other action by the agency, board or commission; and

(e) Setting forth the conditions under which a limited-liability company or foreign limited-liability company may obtain a license.

3. An agency, board or commission that adopts regulations pursuant to subsection 2 shall not impose a restriction or requirement on a limited-liability company or foreign limited-liability company which is significantly different from or more burdensome than the restrictions or requirements imposed on a partnership or corporation.

Sec. 26. NRS 200.495 is hereby amended to read as follows:

200.495 1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:

(a) The act or omission is aggravated, reckless or gross;

(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;

(c) The consequences of the negligent act or omission could have reasonably been foreseen; and

(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.

2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:

(a) If the neglect results in death, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

(b) If the neglect results in substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If the neglect does not result in death or substantial bodily harm, is guilty of a gross misdemeanor.

3. For the purposes of this section, a patient is not neglected for the sole reason that:

(a) According to the patient's desire, the patient is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.

(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his or her agent pursuant to NRS 162A.790.

4. Upon the conviction of a person for a violation of the provisions of subsection 1, the Attorney General shall give notice of the conviction to the licensing boards which:

(a) Licensed the facility in which the criminal neglect occurred; and

(b) If applicable, licensed the person so convicted.

5. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Patient" means a person who resides or receives health care in a medical facility.

(c) "Professional caretaker" means a person who:

(1) Holds a license, registration or permit issued pursuant to title 54 or chapter *437 or* 449 of NRS;

(2) Is employed by, an agent of or under contract to perform services for, a medical facility; and

(3) Has responsibility to provide care to patients.

➥ The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.

Sec. 27. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS , *behavior analyst, assistant behavior analyst, registered behavior technician* or other person providing medical services licensed or certified to practice in this State, who examines,

attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the

Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 28. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters *437,* 449, 630 to 641B, inclusive, 653 or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of

subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 29. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters *437,* 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than $200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is $200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 30. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters *437,* 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters *437,* 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. To the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of

employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 31. NRS 287.0276 is hereby amended to read as follows:

287.0276 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the plan of self-insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a plan of self-insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan of self-insurance; or

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the plan of self-insurance uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other

provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may request a copy of and review a treatment plan created pursuant to this subsection.

6. A plan of self-insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after July 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan of self-insurance or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed~~

~~behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005.*

(g) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means all medically appropriate assessments, evaluations or tests to diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 32. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters *437,* 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 33. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters *437,* 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 34. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters *437,* 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 35. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters *437,* 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 36. NRS 422.2719 is hereby amended to read as follows:

422.2719 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for screening for and diagnosis of fetal alcohol spectrum disorders and for treatment of fetal alcohol spectrum disorders to persons under the age of 19 years or, if enrolled in high school, until the person reaches the age of 21 years.

2. A managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division, which provides coverage for outpatient care shall not require a longer waiting period for coverage for outpatient care related to fetal alcohol spectrum disorders than is required for other outpatient care covered by the plan.

3. A managed care organization shall cover medically necessary treatment of a fetal alcohol spectrum disorder.

4. Treatment of a fetal alcohol spectrum disorder must be identified in a treatment plan and must include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with a fetal alcohol spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with a fetal alcohol spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

5. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to a school for services delivered through school services.

6. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(c) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to fetal alcohol spectrum disorders.

(d) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(g) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005*.

(h) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(i) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(j) "Medically necessary" means health care services or products that a prudent physician or psychologist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and which are:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate for the type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient, physician, psychologist or other provider of health care;

(4) Required to improve a specific health condition of the patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(k) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(l) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(m) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(n) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(o) "Screening for and diagnosis of fetal alcohol spectrum disorders" means medically appropriate assessments, evaluations or tests to screen and diagnose whether a person has a fetal alcohol spectrum disorder.

(p) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(q) "Treatment plan" means a plan to treat a fetal alcohol spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 37. NRS 425.500 is hereby amended to read as follows:

425.500 As used in NRS 425.500 to 425.560, inclusive, unless the context otherwise requires, "agency that issues a professional or occupational license, certificate or permit pursuant to title 54 of NRS" means any officer, agency, board or commission of this State which has the authority to regulate a profession or occupation pursuant to title 54 *or chapter 437* of NRS and which is prohibited by specific statute from issuing or renewing a license, certificate or permit unless the applicant for the issuance or renewal of that license, certificate or permit submits to the officer, agency, board or commission the statement prescribed by the Division pursuant to NRS 425.520.

Sec. 38. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS and:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➥ the district attorney or other public agency shall request in writing that the master suspend any professional or occupational license, certificate or permit issued pursuant to title 54 *or chapter 437* of NRS to that person.

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If the master receives from a district attorney or other public agency a request to suspend any professional or occupational license, certificate or permit issued pursuant to title 54 *or chapter 437* of NRS to a person, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➥ As soon as practicable after the master enters a recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

5. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required in subsection 3, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of the recommendation of the master at the conclusion of the hearing or as soon thereafter as is practicable.

Sec. 39. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ and the district court issues an order approving the recommendation of the master pursuant to NRS 425.3844, the court shall provide a copy of the order to all agencies that issue professional or occupational licenses, certificates or permits pursuant to title 54 *or chapter 437* of NRS.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, any professional or occupational license, certificate or permit issued pursuant to title 54 *or chapter 437* of NRS to the person by that agency will be automatically suspended.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 40. NRS 425.560 is hereby amended to read as follows:

425.560 For the purposes of NRS 425.520 to 425.560, inclusive:

1. A person who is issued a professional or occupational license, certificate or permit pursuant to title 54 *or chapter 437* of NRS is in arrears in the payment for the support of one or more children if:

(a) The person:

(1) Owes a total of more than $1,000 for the support of one or more children for which payment is past due; and

(2) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(b) The person has failed to provide medical insurance for a child as required by a court order.

2. A person who is in arrears in the payment for the support of one or more children pursuant to subsection 1 may satisfy the arrearage by:

(a) Paying all of the past due payments;

(b) If the person is unable to pay all past due payments:

(1) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(2) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(c) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

Sec. 41. NRS 427A.040 is hereby amended to read as follows:

427A.040 1. The Division shall, consistent with the priorities established by the Commission pursuant to NRS 427A.038:

(a) Serve as a clearinghouse for information related to problems of the aged and aging.

(b) Assist the Director in all matters pertaining to problems of the aged and aging.

(c) Develop plans, conduct and arrange for research and demonstration programs in the field of aging.

(d) Provide technical assistance and consultation to political subdivisions with respect to programs for the aged and aging.

(e) Prepare, publish and disseminate educational materials dealing with the welfare of older persons.

(f) Gather statistics in the field of aging which other federal and state agencies are not collecting.

(g) Stimulate more effective use of existing resources and available services for the aged and aging.

(h) Develop and coordinate efforts to carry out a comprehensive State Plan for Providing Services to Meet the Needs of Older Persons. In developing and revising the State Plan, the Division shall consider, among other things, the amount of money available from the Federal Government for services to aging persons and the conditions attached to the acceptance of such money, and the limitations of legislative appropriations for services to aging persons.

(i) Coordinate all state and federal funding of service programs to the aging in the State.

2. The Division shall:

(a) Provide access to information about services or programs for persons with disabilities that are available in this State.

(b) Work with persons with disabilities, persons interested in matters relating to persons with disabilities and state and local governmental agencies in:

(1) Developing and improving policies of this State concerning programs or services for persons with disabilities, including, without limitation, policies concerning the manner in which complaints relating to services provided pursuant to specific programs should be addressed; and

(2) Making recommendations concerning new policies or services that may benefit persons with disabilities.

(c) Serve as a liaison between state governmental agencies that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities.

(d) Serve as a liaison between local governmental agencies in this State that provide services or programs to persons with disabilities to facilitate communication and the coordination of information and any other matters relating to services or programs for persons with disabilities. To inform local governmental agencies in this State of services and programs of other local governmental agencies in this State for persons with disabilities pursuant to this subsection, the Division shall:

(1) Provide technical assistance to local governmental agencies, including, without limitation, assistance in establishing an electronic network that connects the Division to each of the local governmental agencies that provides services or programs to persons with disabilities;

(2) Work with counties and other local governmental entities in this State that do not provide services or programs to persons with disabilities to establish such services or programs; and

(3) Assist local governmental agencies in this State to locate sources of funding from the Federal Government and other private and public sources to establish or enhance services or programs for persons with disabilities.

(e) Administer the following programs in this State that provide services for persons with disabilities:

(1) The program established pursuant to NRS 427A.791, 427A.793 and 427A.795 to provide services for persons with physical disabilities;

(2) The programs established pursuant to NRS 427A.800, 427A.850 and 427A.860 to provide services to persons with traumatic brain injuries;

(3) The program established pursuant to NRS 427A.610 to provide hearing aids to children who are hard of hearing;

(4) The program established pursuant to NRS 427A.797 to provide devices for telecommunication to persons who are deaf and persons with impaired speech or hearing;

(5) Any state program for independent living established pursuant to 29 U.S.C. §§ 796 et seq., with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation acting as the designated state unit, as that term is defined in 34 C.F.R. § 385.4, or the designated state entity, as that term is defined in 45 C.F.R. § 1329.4, as applicable; and

(6) Any state program established pursuant to the Assistive Technology Act of 1998, 29 U.S.C. §§ 3001 et seq.

(f) Provide information to persons with disabilities on matters relating to the availability of housing for persons with disabilities and identify sources of funding for new housing opportunities for persons with disabilities.

(g) Before establishing policies or making decisions that will affect the lives of persons with disabilities, consult with persons with disabilities and members of the public in this State through the use of surveys, focus groups, hearings or councils of persons with disabilities to receive:

(1) Meaningful input from persons with disabilities regarding the extent to which such persons are receiving services, including, without limitation, services described in their individual service plans, and their satisfaction with those services; and

(2) Public input regarding the development, implementation and review of any programs or services for persons with disabilities.

(h) Publish and make available to governmental entities and the general public a biennial report which:

(1) Provides a strategy for the expanding or restructuring of services in the community for persons with disabilities that is consistent with the need for such expansion or restructuring;

(2) Reports the progress of the Division in carrying out the strategic planning goals for persons with disabilities identified pursuant to chapter 541, Statutes of Nevada 2001;

(3) Documents significant problems affecting persons with disabilities when accessing public services, if the Division is aware of any such problems;

(4) Provides a summary and analysis of the status of the practice of interpreting and the practice of realtime captioning, including, without limitation, the number of persons engaged in the practice of interpreting in an educational setting in each professional classification established pursuant to NRS 656A.100 and the number of persons engaged in the practice of realtime captioning in an educational setting; and

(5) Recommends strategies and, if determined necessary by the Division, legislation for improving the ability of the State to provide services to persons with disabilities and advocate for the rights of persons with disabilities.

3. The Division shall confer with the Department as the sole state agency in the State responsible for administering the provisions of this chapter and chapter 435 of NRS.

4. The Division shall ~~[:~~

~~(a) Administer]~~ *administer* the provisions of chapters 435 and 656A of NRS . ~~[; and~~

~~(b) Assist the Board of Applied Behavior Analysis in the administration of the provisions of chapter 437 of NRS as prescribed in that chapter.]~~

5. The Division may contract with any appropriate public or private agency, organization or institution, in order to carry out the provisions of this chapter and chapter 435 of NRS.

Sec. 42. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter *437*, 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 43. Chapter 437 of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. *The Board shall:*

1. Require each new member of the Board to complete orientation within 60 days after his or her appointment to the Board. Such orientation must include, without limitation, instruction concerning:

(a) The purpose of the Board and the duties of Board members;

(b) Any applicable laws and regulations, including, without limitation, the provisions NRS 437.400 to 437.490, inclusive, and the importance of complying with applicable laws and regulations in a timely manner; and

(c) Any requirements relating to managing the finances of the Board.

2. Establish policies relating to compensation and reviewing the performance of the staff of the Board.

Sec. 45. *The Board may contract with any appropriate public or private agency, organization or institution in order to carry out the provisions of this chapter. The purposes of such a contract may include, without limitation:*

1. To obtain assistance in processing applications for the issuance or renewal of a license;

2. To obtain technical assistance;

3. To facilitate cooperation with another board or licensing entity in this State or any other jurisdiction;

4. To obtain recommendations to improve and standardize procedures used by the Board; and

5. To obtain assistance in identifying resources for improving the operations of the Board.

Sec. 46. NRS 437.005 is hereby amended to read as follows:

437.005 "Assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst ~~*[, or an equivalent credential,]*~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as an assistant behavior analyst pursuant to this chapter.

Sec. 47. NRS 437.010 is hereby amended to read as follows:

437.010 "Behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst *or Board Certified Behavior Analyst - Doctoral* ~~*[, or an equivalent credential,]*~~ issued by the

Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst pursuant to this chapter.

Sec. 48. NRS 437.040 is hereby amended to read as follows:

437.040 *1.* "Practice of applied behavior analysis" means the design, implementation and evaluation of instructional and environmental modifications ~~[based on scientific research and observations of behavior and the environment]~~ to produce socially significant improvement in human behavior, including, without limitation:

~~[1.]~~ *(a)* The empirical identification of functional relations between environment and behavior; ~~[and~~

~~2.]~~ *(b)* The use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement and other procedures to help a person develop new behaviors, increase or decrease existing behaviors and engage in certain behavior under specific environmental conditions ~~[.]~~ *; and*

(c) The use of interventions based on scientific research and the direct and indirect observation and measurement of relations between environment and behavior.

~~[~~ *2.* The term ~~[includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst or registered behavior technician.]~~ *does not include diagnosis, psychological testing, psychotherapy, cognitive therapy, psychoanalysis or counseling.*

Sec. 49. NRS 437.050 is hereby amended to read as follows:

437.050 "Registered behavior technician" means a person who:

1. Is certified as a registered behavior technician by the Behavior Analyst Certification Board, Inc., or its successor organization ; ~~*[, or holds an equivalent credential issued by the Behavior Analyst Certification Board, Inc., or its successor organization;]*~~

2. Is registered as such pursuant to this chapter; and

3. ~~[Provides behavioral therapy]~~ *Engages in applied behavior analysis services* under ~~[the]~~ supervision ~~[of:~~

~~(a) A licensed psychologist;~~

~~(b) A licensed behavior analyst; or~~

~~(c) A licensed assistant behavior analyst.]~~ *as required by NRS 437.505.*

Sec. 50. NRS 437.060 is hereby amended to read as follows:

437.060 The provisions of this chapter do not apply to:

1. A physician who is licensed to practice in this State;

2. A person who is licensed to practice dentistry in this State;

3. A person who is licensed as a psychologist pursuant to chapter 641 of NRS;

4. A person who is licensed as a marriage and family therapist or marriage and family therapist intern pursuant to chapter 641A of NRS;

5. A person who is licensed as a clinical professional counselor or clinical professional counselor intern pursuant to chapter 641A of NRS;

6. A person who is licensed to engage in social work pursuant to chapter 641B of NRS;

7. A person who is licensed as an occupational therapist or occupational therapy assistant pursuant to NRS 640A.010 to 640A.230, inclusive;

8. A person who is licensed as a clinical alcohol and drug counselor, licensed or certified as an alcohol and drug counselor or certified as an alcohol and drug counselor intern, a clinical alcohol and drug counselor intern, a problem gambling counselor or a problem gambling counselor intern, pursuant to chapter 641C of NRS;

9. Any member of the clergy;

10. A family member *, guardian or caregiver* of a recipient of applied behavior analysis services who performs activities as directed by a behavior analyst or assistant behavior analyst; or

11. ~~[A person who provides applied behavior analysis]~~ *An employee of a school district or charter school when providing* services to a pupil in a public school in a manner consistent with the ~~[training and experience of the person,]~~ *duties of his or her position*,

➥ if such a person does not commit an act described in NRS 437.510 or represent himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician.

Sec. 51. NRS 437.065 is hereby amended to read as follows:

437.065 1. A person is not required to be licensed or registered pursuant to this chapter if he or she:

(a) Provides behavior modification services or training exclusively to animals and not to natural persons;

(b) Provides ~~[generalized]~~ applied behavior analysis services to an organization but does not otherwise separately provide such services directly to natural persons;

(c) Teaches applied behavior analysis or conducts research concerning applied behavior analysis but does not otherwise separately provide applied behavior analysis services directly to natural persons;

(d) Provides academic services, including, without limitation, tutoring, instructional design, curriculum production, assessment research and design, or test preparation but does not otherwise separately provide applied behavior analysis services directly to natural persons; or

(e) Conducts academic research relating to applied behavior analysis as a primary job responsibility but does not otherwise separately provide applied behavior analysis services directly to natural persons.

2. A person described in subsection 1:

(a) May refer to himself or herself as a behavior analyst; and

(b) Shall not represent or imply that he or she is licensed or registered pursuant to this chapter.

Sec. 52. NRS 437.075 is hereby amended to read as follows:

437.075 1. A licensed behavior analyst or assistant behavior analyst ~~[or registered behavior technician]~~ shall limit his or her practice of applied behavior analysis to his or her areas of competence, as documented by education, training and experience.

2. *A registered behavior technician shall only perform duties that his or her supervising behavior analyst or assistant behavior analyst has deemed the registered behavior technician competent to perform.*

3. The Board shall adopt regulations to ensure that licensed behavior analysts and assistant behavior analysts and registered behavior technicians limit their practice of applied behavior analysis to their areas of competence.

4. A licensed behavior analyst or assistant behavior analyst or registered behavior technician shall comply with any applicable requirements concerning ethics prescribed by the Behavior Analyst Certification Board, Inc., or its successor organization.

Sec. 53. NRS 437.100 is hereby amended to read as follows:

437.100 1. The Board of Applied Behavior Analysis is hereby created.

2. The Governor shall appoint to the Board:

(a) ~~[Four]~~ *Three* voting members who are behavior analysts licensed in this State.

(b) *One voting member who is a behavior analyst or an assistant behavior analyst licensed in this State.*

(c) One voting member who is a representative of the general public who is interested in the practice of applied behavior analysis. This member must not be a behavior analyst or assistant behavior analyst, an applicant or a former applicant for licensure as a behavior analyst or assistant behavior analyst, a member of a health profession, the spouse or the parent or child, by blood, marriage or adoption, of a behavior analyst or assistant behavior analyst, or a member of a household that includes a behavior analyst or assistant behavior analyst.

3. After the initial term, the Governor shall appoint each member of the Board to a term of 4 years. No member of the Board may serve more than two consecutive terms.

4. The Board shall hold a regular meeting at least once a year. The Board shall hold a special meeting upon a call of the President or upon the request of a majority of the members. A majority of the Board constitutes a quorum.

5. At the regular annual meeting, the Board shall elect from its membership a President and a Secretary-Treasurer, who shall hold office for 1 year and until the election and qualification of their successors.

6. A member of the Board or an employee or agent of the Board is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Board pursuant to the provisions of this chapter.

Sec. 54. NRS 437.130 is hereby amended to read as follows:

437.130 ~~[1. Except as otherwise provided in subsection 2, the]~~ *The* Board shall enforce the provisions of this chapter and may, under the provisions of this chapter:

~~[(a)]~~ *1.* Examine and pass upon the qualifications of applicants for licensure and registration ~~[.~~

~~(b)]~~ *;*

2. License and register qualified applicants ~~[.~~

~~(c)]~~ *;*

3. Revoke or suspend licenses and registrations ~~[.]~~ *or impose other disciplinary action;*

~~[2. Except as otherwise provided in this subsection, the Board may delegate to the Division, in whole or in part, any duty prescribed by subsection 1. The Board must make the final determination concerning the suspension or revocation of a license or registration or the imposition of any other disciplinary action.~~

~~3. The Division shall:~~

~~(a)]~~

4. Collect applications and fees and make disbursements pursuant to this chapter; *and*

~~[(b) With the approval of the Board, conduct]~~

5. Conduct investigations ~~[of licensees and registrants; and~~

~~(c) Perform any duty delegated by the Board pursuant to subsection 2.]~~ *related to the duties of the Board under this chapter and take evidence on any matter under inquiry before the Board*.

Sec. 55. NRS 437.140 is hereby amended to read as follows:

437.140 1. The Board shall prescribe, by regulation, fees for the issuance, renewal and reinstatement of a license or registration and any other services provided by the ~~[Division]~~ *Board* pursuant to this chapter. The Board shall ensure, to the extent practicable, that the amount of such fees is sufficient to pay the costs incurred by the Board ~~[and the Division]~~ under the provisions of this chapter, including, without limitation, the compensation of the Board prescribed by NRS 437.105, and does not exceed the amount necessary to pay those costs.

2. Money received from the licensure of behavior analysts and assistant behavior analysts and registration of registered behavior technicians, civil penalties collected pursuant to this chapter and any appropriation, gift, grant or donation received by the Board ~~[or the Division]~~ for purposes relating to the duties of the Board ~~[or the Division]~~ under the provisions of this chapter must be deposited *by the Secretary-Treasurer of the Board* in ~~[a separate account in the State General Fund. The account must be administered by the Division. Money in the account must be expended solely for the purposes of this chapter and does not revert to the State General Fund. The compensation provided for by this chapter and all expenses incurred under this chapter must be paid from the money in the account.]~~ *a bank, credit union, savings and loan association or savings bank in this State to be expended for payment of compensation and expenses of the members and employees of the Board and for any other necessary purpose in the administration of this chapter*.

Sec. 56. NRS 437.145 is hereby amended to read as follows:

437.145 1. The ~~[Division]~~ *Board* shall make and keep:

(a) A record of all violations and prosecutions under the provisions of this chapter.

(b) A register of all licenses and registrations.

(c) A register of all holders of licenses and registrations.

2. ~~[These]~~ *Except as otherwise provided in this section, the* records ~~[must be kept in an office of the Division and, except as otherwise provided in this section,]~~ *described in subsection 1* are subject to public inspection during normal working hours upon reasonable notice.

3. Except as otherwise provided in NRS 239.0115, the ~~[Division]~~ *Board* may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the ~~[Division,]~~ *Board,* all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the ~~[Division]~~ *Board* requesting that such documents and information be made public records.

5. The charging documents filed with the ~~[Division]~~ *Board* to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the ~~[Division and the]~~ Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the ~~[Division or the]~~ Board from communicating or cooperating with or providing any documents or other information to any licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 57. NRS 437.150 is hereby amended to read as follows:

437.150 ~~[An]~~ *A member,* employee or agent of the ~~[Division]~~ *Board* is not liable in a civil action for any act performed in good faith and within the scope of the duties of the ~~[Division]~~ *Board* pursuant to the provisions of this chapter.

Sec. 58. NRS 437.200 is hereby amended to read as follows:

437.200 1. Each person desiring a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must:

(a) Make application to the ~~[Division]~~ *Board* upon a form and in a manner prescribed by the ~~[Division.]~~ *Board.* The application must be accompanied by the application fee prescribed by the Board pursuant to NRS 437.140 and include all information required to complete the application.

(b) ~~[Except as otherwise provided in subsection 3, as]~~ *As* part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the ~~[Division;]~~ *Board;* and

(2) Submit to the ~~[Division:]~~ *Board:*

(I) A complete set of fingerprints and written permission authorizing the ~~[Division]~~ *Board* to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law

enforcement agencies as the ~~[Division]~~ *Board* deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the ~~[Division,]~~ *Board*, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the ~~[Division]~~ *Board* deems necessary for a report on the applicant's background.

2. The ~~[Division]~~ *Board* may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the ~~[Division]~~ *Board* deems necessary; and

(b) Request from each agency to which the ~~[Division]~~ *Board* submits the fingerprints any information regarding the applicant's background as the ~~[Division]~~ *Board* deems necessary.

3. ~~[An applicant for registration as a registered behavior technician is not required to comply with paragraph (b) of subsection 1 if he or she submits to the Division verification from a supervising psychologist, behavior analyst or assistant behavior analyst that:~~

~~(a) Within 6 months immediately preceding the date on which the application was submitted, the Behavior Analyst Certification Board, Inc., or its successor organization, determined the applicant to be eligible for registration as a registered behavior technician; and~~

~~(b) It is the policy of the Behavior Analyst Certification Board, Inc., or its successor organization, to conduct an investigation into the criminal background of an applicant for registration as a registered behavior technician or an equivalent credential that includes the submission of fingerprints to the Federal Bureau of Investigation.~~

~~4.]~~ An application is not considered complete and received for purposes of evaluation pursuant to subsection 4 of NRS 437.205 until the ~~[Division]~~ *Board* receives ~~[:~~

~~(a) A]~~ *a* complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section . ~~[; or~~

~~(b) If the application is for registration as a registered behavior technician, the documentation described in subsection 3.]~~

Sec. 59. NRS 437.205 is hereby amended to read as follows:

437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

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

(b) Holds current certification as a Board Certified Behavior Analyst *or Board Certified Behavior Analyst - Doctoral* ~~[, or an equivalent credential,]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

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

(b) Holds current certification as a Board Certified Assistant Behavior Analyst ~~[, or an equivalent credential,]~~ issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

3. Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician ~~[, or an equivalent credential,]~~ by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization ~~[.]~~ *and will be supervised by a person authorized by subsection 2 of NRS 437.505 to provide such supervision.* The Board shall not require any additional education or training for registration as a registered behavior technician.

4. Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after the ~~[Division]~~ *Board* receives an application and the accompanying evidence, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure or registration; and

(b) Issue a written statement to the applicant of its determination.

5. If the Board determines that the qualifications of the applicant are insufficient for licensure or registration, the written statement issued to the applicant pursuant to subsection 4 must include a detailed explanation of the reasons for that determination.

Sec. 60. NRS 437.207 is hereby amended to read as follows:

437.207 1. The Board shall not deny the application of a person for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician pursuant to NRS 437.200 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 437.210, an applicant for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license as a behavior analyst or assistant behavior analyst or registration as a behavior technician.

3. The Board ~~[and the Division]~~ shall not disclose to any person who is not employed by the Board ~~[or the Division]~~ the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Board ~~[or the Division]~~ is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 61. NRS 437.210 is hereby amended to read as follows:

437.210 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the ~~[Division.]~~ *Board.*

(b) An applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall submit to the ~~[Aging and Disability Services Division]~~ *Board* the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[Aging and Disability Services Division]~~ *Board* shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the ~~[Division.]~~ *Board.*

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the ~~[Aging and Disability Services Division]~~ *Board* shall advise the applicant to contact the district attorney or

other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 62. NRS 437.210 is hereby amended to read as follows:

437.210 1. In addition to any other requirements set forth in this chapter ~~[~~:

~~(a) An applicant for the issuance of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall include the social security number of the applicant in the application submitted to the Board.~~

~~(b) An]~~ , *an* applicant for the issuance or renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician shall submit to the ~~[Aging and Disability Services Division]~~ Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The ~~[Aging and Disability Services Division]~~ Board shall include the statement required pursuant to subsection 1 in:

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

(b) A separate form prescribed by the ~~[Division.]~~ Board.

3. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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

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

Sec. 63. NRS 437.215 is hereby amended to read as follows:

437.215 1. The Board may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the ~~[Division]~~ *Board* an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst ~~[;]~~ *or by the Behavior Analyst Certification Board, Inc., or its successor organization;* and

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

(b) A complete set of fingerprints and written permission authorizing the ~~[Division]~~ *Board* to forward the fingerprints in the manner provided in NRS 437.200;

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

(d) The fee prescribed by the Board pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the ~~[Division.]~~ *Board.*

3. Not later than ~~[15]~~ *30* business days after the ~~[Division]~~ *Board* receives an application for a license by endorsement as a behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the ~~[Division]~~ *Board* receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

Sec. 64. NRS 437.220 is hereby amended to read as follows:

437.220 1. The Board may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the ~~[Division]~~ *Board* an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and

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

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

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

(1) Satisfies the requirements of subsection 1;

(2) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst ~~[;]~~ *or by the Behavior Analyst Certification Board, Inc., or its successor organization;* and

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

(b) A complete set of fingerprints and written permission authorizing the ~~[Division]~~ *Board* to forward the fingerprints in the manner provided in NRS 437.200;

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

(d) The fee prescribed by the Board pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the ~~[Division.]~~ *Board.*

3. Not later than ~~[15]~~ *30* business days after the ~~[Division]~~ *Board* receives an application for a license by endorsement as a behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

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

(b) Ten days after the ~~[Division]~~ *Board* receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

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

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

Sec. 65. NRS 437.225 is hereby amended to read as follows:

437.225 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the ~~[Division]~~ *Board* for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the ~~[Division:]~~ *Board:*

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

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

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 437.200.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable; and

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 66. NRS 437.335 is hereby amended to read as follows:

437.335 1. The license of any behavior analyst or assistant behavior analyst or the registration of a registered behavior technician who fails to pay the biennial fee for the renewal of a license or registration within 60 days after the date it is due is automatically suspended. The Board may, within 2 years after the date the license or registration is so suspended, reinstate the license or registration upon payment to the ~~[Division]~~ *Board* of the amount of the then current biennial fee for the renewal of a license or registration and the amount of the fee for the restoration of a license or registration so suspended. If the license or registration is not reinstated within 2 years, the Board may reinstate the license or registration only if it also determines that the holder of the license or registration is competent to practice as a behavior analyst, assistant behavior analyst or registered behavior technician, as applicable.

2. A notice must be sent to any person who fails to pay the biennial fee, informing the person that his or her license or registration is suspended.

Sec. 67. NRS 437.400 is hereby amended to read as follows:

437.400 1. The Board may suspend or revoke a person's license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, place the person on probation, require remediation for the person or take any other action specified by regulation if the ~~[Division]~~ *Board* finds by a preponderance of the evidence that the person has:

(a) Been convicted of a felony relating to the practice of applied behavior analysis.

(b) Been convicted of any crime or offense that reflects the inability of the person to practice applied behavior analysis with due regard for the health and safety of others.

(c) Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of applied behavior analysis.

(e) Except as otherwise provided in NRS 437.060 and 437.070, aided or abetted practice as a behavior analyst, assistant behavior analyst or registered behavior technician by a person who is not licensed or registered, as applicable, pursuant to this chapter.

(f) Made any fraudulent or untrue statement to the ~~[Division or the]~~ Board.

(g) Violated a regulation adopted by the Board.

(h) Had a license, certificate or registration to practice applied behavior analysis suspended or revoked or has had any other disciplinary action taken against the person by another state or territory of the United States, the District of Columbia , ~~[or]~~ a foreign country ~~[,]~~ *or the Behavior Analyst Certification Board, Inc., or its successor organization*, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

(i) Failed to report to the ~~[Division]~~ *Board* within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice applied behavior analysis issued to the person by another state or territory of the United States, the District of Columbia or a foreign country.

(j) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter ~~[.]~~ *, including, without limitation, subsection 4 of section 52 of this act.*

(k) Performed or attempted to perform any professional service while impaired by alcohol or other substance or by a mental or physical illness, disorder or disease.

(l) Engaged in sexual activity with a patient or client.

(m) Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

(n) Been convicted of submitting a false claim for payment to the insurer of a patient or client.

(o) Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.

Sec. 68. NRS 437.410 is hereby amended to read as follows:

437.410 1. If the ~~[Division]~~ *Board* or a hearing officer appointed by the ~~[Division]~~ *Board* finds a person guilty in a disciplinary proceeding, ~~[the Division shall transmit notice of that finding to the Board. Upon receiving such notice,]~~ the Board may:

(a) Administer a public reprimand.

(b) Limit the person's practice.

(c) Suspend the person's license or registration for a period of not more than 1 year.

(d) Revoke the person's license or registration.

(e) Impose a fine of not more than $5,000.

(f) Revoke or suspend the person's license or registration and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The Board may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 69. NRS 437.415 is hereby amended to read as follows:

437.415 1. If the ~~[Division]~~ *Board* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses and permits issued to a person who is the holder of a license or registration issued pursuant to this chapter, the ~~[Division shall transmit the copy to the Board. The]~~ Board shall deem the license or registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the ~~[Division]~~ *Board* receives ~~[and transmits to the Board]~~ a letter issued to the holder of the license or registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license or registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license or registration issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the ~~[Division]~~ *Board* receives ~~[and transmits to the Board]~~ a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license or registration was suspended stating that the person whose license or registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 70. NRS 437.420 is hereby amended to read as follows:

437.420 1. Service of process made under this chapter must be either upon the person or by registered or certified mail with return receipt requested, addressed to the person upon whom process is to be served at his or her last known address, as indicated on the records of the ~~[Division,]~~ *Board*, if

possible. If personal service cannot be made and if notice by mail is returned undelivered, the ~~[Division]~~ *Board* shall cause notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the person upon whom process is to be served, or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the ~~[Division.]~~ *Board.*

Sec. 71. NRS 437.425 is hereby amended to read as follows:

437.425 1. The ~~[Division]~~ *Board* or a *panel of its members or a* hearing officer may ~~[, with the approval of the Board,]~~ issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents, the records of patients and any other article related to the practice of applied behavior analysis.

2. If any witness refuses to attend or testify or produce any article as required by the subpoena, the ~~[Division]~~ *Board* may ~~[, with the approval of the Board,]~~ file a petition with the district court stating that:

(a) Due notice has been given for the time and place of attendance of the witness or the production of the required articles;

(b) The witness has been subpoenaed pursuant to this section; and

(c) The witness has failed or refused to attend or produce the articles required by the subpoena or has refused to answer questions propounded to him or her,

➥ and asking for an order of the court compelling the witness to attend and testify before the ~~[Division]~~ *Board or panel* or a hearing officer, or produce the articles as required by the subpoena.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the articles. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued, the court shall enter an order that the witness appear before the ~~[Division]~~ *Board or panel* or a hearing officer at the time and place fixed in the order and testify or produce the required articles, and upon failure to obey the order the witness must be dealt with as for contempt of court.

Sec. 72. NRS 437.430 is hereby amended to read as follows:

437.430 1. The ~~[Division, the]~~ Board or any review panel of a hospital or an association of behavior analysts, assistant behavior analysts or registered behavior technicians which becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing applied behavior analysis in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the ~~[Division.]~~ *Board.*

2. The ~~[Division]~~ *Board* shall retain all complaints filed with the ~~[Division]~~ *Board* pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 73. NRS 437.435 is hereby amended to read as follows:

437.435 When a complaint is filed with the ~~[Division,]~~ *Board*, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the ~~[Division]~~ *Board* may *:* ~~[, with the approval of the Board:]~~

1. Retain the Attorney General to investigate the complaint; and

2. If the ~~[Division]~~ *Board* retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 74. NRS 437.440 is hereby amended to read as follows:

437.440 1. The ~~[Division]~~ *Board* shall ~~[request the approval of the Board to]~~ conduct an investigation of each complaint filed pursuant to NRS 437.430 which sets forth reason to believe that a person has violated NRS 437.500. ~~[Upon the approval of the Board, the Division shall conduct such an investigation.]~~

2. If, after an investigation, the ~~[Division]~~ *Board* determines that a person has violated NRS 437.500, the ~~[Division:]~~ *Board:*

(a) May *:* ~~[, with the approval of the Board:]~~

(1) Issue and serve on the person an order to cease and desist from engaging in any activity prohibited by NRS 437.500 until the person obtains the proper license or registration; and

(2) Issue a citation to the person; and

(b) Shall ~~[request the approval of the Board to]~~ provide a written summary of the ~~[Division's]~~ *Board's* determination and any information relating to the violation to the Attorney General. ~~[Upon the approval of the Board, the Division shall provide such a summary to the Attorney General.]~~

3. A citation issued pursuant to subsection 2 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. Each violation of NRS 437.500 constitutes a separate offense for which a separate citation may be issued.

4. For any person who violates the provisions of NRS 437.500, the ~~[Division]~~ *Board* shall assess an administrative fine of:

(a) For a first violation, $500.

(b) For a second violation, $1,000.

(c) For a third or subsequent violation, $1,500.

5. To appeal a citation issued pursuant to subsection 2, a person must submit a written request for a hearing to the ~~[Division]~~ *Board* within 30 days after the date of issuance of the citation.

Sec. 75. NRS 437.445 is hereby amended to read as follows:

437.445 1. If the ~~[Division]~~ *Board* retains the Attorney General pursuant to NRS 437.435, the Attorney General shall conduct an investigation of a

complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license or registration. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the ~~[Division]~~ *Board* in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The ~~[Division]~~ *Board* shall promptly make a determination with respect to each complaint reported to it by the Attorney General ~~[and submit that determination to the Board. The Board shall:]~~ *and either:*

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

Sec. 76. NRS 437.450 is hereby amended to read as follows:

437.450 *1.* Notwithstanding the provisions of chapter 622A of NRS, if the ~~[Division]~~ *Board* has reason to believe that the conduct of any behavior analyst, assistant behavior analyst or registered behavior technician has raised a reasonable question as to competence to practice applied behavior analysis with reasonable skill and safety to patients, the ~~[Division]~~ *Board* may ~~[, with the approval of the Board,]~~ *, to assist the Board or its designee in determining competence,* require the behavior analyst, assistant behavior analyst or registered behavior technician to ~~[take a written or oral examination to determine whether the behavior analyst, assistant behavior analyst or registered behavior technician is competent to practice applied behavior analysis.]~~ *undergo:*

(a) A mental or physical examination administered by a qualified provider of health care;

(b) An examination testing his or her competence to practice applied behavior analysis; or

(c) Any other examination designated by the Board to be necessary to determine his or her competence to practice applied behavior analysis.

2. If an examination is required *by the Board pursuant to subsection 1* , the reasons therefor must be documented and made available to the behavior analyst, assistant behavior analyst or registered behavior technician being examined.

3. An applicant or person who holds a license or registration pursuant to this chapter is deemed to consent to submit to an examination required pursuant to subsection 1 when the Board provides a written order for such an examination.

4. Any testimony, report or other information of the examining provider of health care received during an examination administered pursuant to subsection 1 is not a privileged communication.

5. Except in extraordinary circumstances, as determined by the Board, a behavior analyst, assistant behavior analyst or registered behavior technician who fails to submit to an examination required pursuant to subsection 1 after

the Board provides a written order for such an examination shall be deemed to have admitted to the charge of the Board against him or her.

6. The Board may require a behavior analyst, assistance behavior analyst or registered behavior technician to pay the cost of an examination administered pursuant to subsection 1.

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

Sec. 77. NRS 437.460 is hereby amended to read as follows:

437.460 Notwithstanding the provisions of chapter 622A of NRS, if the ~~[Division]~~ *Board* receives a report pursuant to subsection 5 of NRS 228.420, a disciplinary proceeding regarding the report must be commenced within 30 days after the ~~[Division]~~ *Board* receives the report.

Sec. 78. NRS 437.465 is hereby amended to read as follows:

437.465 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the ~~[Division]~~ *Board* or a hearing officer conducted under the provisions of this chapter:

1. Proof of actual injury need not be established where the complaint charges deceptive or unethical professional conduct or practice of applied behavior analysis harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician is conclusive evidence of its occurrence.

3. The entering of a plea of nolo contendere in a court of competent jurisdiction shall be deemed a conviction of the offense charged.

Sec. 79. NRS 437.475 is hereby amended to read as follows:

437.475 ~~[1.]~~ Notwithstanding the provisions of chapter 622A of NRS:

~~[(a)]~~ *1.* Pending disciplinary proceedings before the ~~[Division]~~ *Board* or a hearing officer, the court may, upon application by the ~~[Division]~~ *Board* or the Attorney General, issue a temporary restraining order or a preliminary injunction to enjoin any unprofessional conduct of a behavior analyst, an assistant behavior analyst or a registered behavior technician which is harmful to the public, to limit the practice of the behavior analyst, assistant behavior analyst or registered behavior technician or to suspend the license to practice as a behavior analyst or assistant behavior analyst or registration to practice as a registered behavior technician without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

~~[(b)]~~ *2.* The disciplinary proceedings before the ~~[Division]~~ *Board* or a hearing officer must be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

~~[2. The Division shall not make an application pursuant to subsection 1 without the approval of the Board.]~~

Sec. 80. NRS 437.480 is hereby amended to read as follows:

437.480 1. The ~~[Division, with the approval of the]~~ Board ~~[,]~~ or the Attorney General may maintain in any court of competent jurisdiction a suit

for an injunction against any person practicing in violation of NRS 437.510 or as a behavior analyst, assistant behavior analyst or registered behavior technician without the proper license or registration.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Does not relieve any person from criminal prosecution for practicing without a license or registration.

Sec. 81. NRS 437.485 is hereby amended to read as follows:

437.485 In addition to any other immunity provided by the provisions of chapter 622A of NRS, the ~~[Division,]~~ *Board,* a review panel of a hospital, an association of behavior analysts, assistant behavior analysts or registered behavior technicians, or any other person who or organization which initiates a complaint or assists in any lawful investigation or proceeding concerning the licensure of a behavior analyst or assistant behavior analyst or registration of a registered behavior technician or the discipline of a behavior analyst, an assistant behavior analyst or a registered behavior technician for gross malpractice, repeated malpractice, professional incompetence or unprofessional conduct is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 82. NRS 437.490 is hereby amended to read as follows:

437.490 1. Any person:

(a) Whose practice of applied behavior analysis has been limited;

(b) Whose license or registration has been revoked; or

(c) Who has been placed on probation,

➥ by an order of the Board may apply to the ~~[Division]~~ *Board* after 1 year for removal of the limitation or termination of the probation or may apply to the ~~[Division]~~ *Board* pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license or registration.

2. In hearing the application, the ~~[Division:]~~ *Board:*

(a) May require the person to submit such evidence of changed conditions and of fitness as it considers proper.

(b) Shall determine whether under all the circumstances the time of the application is reasonable.

~~[(c) Shall submit its determination concerning the application to the Board.]~~

3. ~~[Upon receiving a determination of the Division pursuant to paragraph (c) of subsection 2, the]~~ *The* Board may deny the application or modify or rescind its order as it considers the evidence and the public safety warrants.

Sec. 83. NRS 437.505 is hereby amended to read as follows:

437.505 1. A licensed assistant behavior analyst shall not ~~[provide]~~ *engage in* or supervise ~~[behavioral therapy]~~ *the practice of applied behavior analysis* except under the supervision of:

(a) A licensed psychologist ~~[,]~~ *who:*

(1) Is certified as a Board Certified Behavior Analyst or Board Certified Behavior Analyst - Doctoral by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization; ~~*[, or holds an equivalent credential issued by that organization;]*~~ *and*

(2) Has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor; or

(b) A licensed behavior analyst ~~[.]~~ *who has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor*.

2. A registered behavior technician shall not ~~[provide]~~ *engage in the practice of applied behavior* ~~[therapy]~~ *analysis* except under the supervision of:

(a) A ~~[licensed]~~ psychologist ~~[,]~~ *described in paragraph (a) of subsection 1;*

(b) A ~~[licensed]~~ behavior analyst ~~[,]~~ *described in paragraph (b) of subsection 1;* or

(c) A licensed assistant behavior analyst ~~[.]~~ *who has completed any requirements established by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, to serve as a supervisor*.

3. A psychologist, behavior analyst or assistant behavior analyst who provides supervision pursuant to this section must comply with the requirements prescribed by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, concerning supervision.

Sec. 84. NRS 437.510 is hereby amended to read as follows:

437.510 Any person who:

1. Presents as his or her own the diploma, license, certificate, registration or credentials of another;

2. Gives either false or forged evidence of any kind to the ~~[Division]~~ *Board* in connection with an application for a license or registration;

3. Practices applied behavior analysis under a false or assumed name or falsely personates another behavior analyst, assistant behavior analyst or registered behavior technician of a like or different name;

4. Except as otherwise provided in NRS 437.060 and 437.065, represents himself or herself as a behavior analyst, assistant behavior analyst or registered behavior technician, or uses any title or description which indicates or implies that he or she is a behavior analyst, assistant behavior analyst or registered behavior technician, unless he or she has been issued a license or registration as required by this chapter; or

5. Except as otherwise provided in NRS 437.060, 437.065 and 437.070, practices as an applied behavior analyst, assistant behavior analyst or registered behavior technician unless he or she has been issued a license or registration, as applicable,

➥ is guilty of a gross misdemeanor.

Sec. 85. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter *437,* 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652, 653 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 86. NRS 449.4329 is hereby amended to read as follows:

449.4329 1. Except as otherwise provided in subsections 2 and 3, within 10 days after hiring an employee, accepting an employee of a temporary employment service or entering into a contract with an independent contractor, the holder of a certificate to operate an intermediary service organization shall:

(a) Obtain a written statement from the employee, employee of the temporary employment service or independent contractor stating whether he or she has been convicted of any crime listed in subsection 1 of NRS 449.4332;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain proof that the employee, employee of the temporary employment service or independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee, employee of the temporary employment service or independent contractor one set of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (d) to obtain information on the background and personal history of each employee, employee of a temporary employment service or independent contractor to

determine whether the person has been convicted of any crime listed in subsection 1 of NRS 449.4332; and

(f) If an Internet website has been established pursuant to NRS 439.942:

(1) Screen the employee, employee of the temporary employment service or independent contractor using the Internet website. Upon request of the Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this subparagraph must be provided to the Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of the temporary employment service or independent contractor.

2. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1 from an employee, employee of a temporary employment service or independent contractor if his or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report within the immediately preceding 6 months and the report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

3. The holder of a certificate to operate an intermediary service organization is not required to obtain the information described in subsection 1, other than the information described in paragraph (c) of subsection 1, from an employee, employee of a temporary employment service or independent contractor if:

(a) The employee, employee of the temporary employment service or independent contractor agrees to allow the holder of a certificate to operate an intermediary service organization to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of the temporary employment service or independent contractor of a crime listed in subsection 1 of NRS 449.4332;

(b) An agency, board or commission that regulates an occupation or profession pursuant to title 54 *or chapter 437* of NRS or temporary employment service has, within the immediately preceding 5 years, submitted the fingerprints of the employee, employee of the temporary employment service or independent contractor to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor has not been convicted of any crime set forth in subsection 1 of NRS 449.4332.

4. The holder of a certificate to operate an intermediary service organization shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at or for the intermediary service organization is investigated is completed as soon as practicable and at least once every 5 years after the date of the initial investigation. The holder of the certificate shall, when required:

(a) Obtain one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee, employee of the temporary employment service or independent contractor has been convicted of a crime listed in subsection 1 of NRS 449.4332 and immediately inform the Division and the holder of the certificate to operate an intermediary service organization for which the person works whether the employee, employee of the temporary employment service or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon an intermediary service organization that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The intermediary service organization may recover from the employee or independent contractor whose fingerprints are submitted not more than one half of the fee imposed by the Central Repository. If the intermediary service organization requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. The intermediary service organization may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. An intermediary service organization shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services to the intermediary service organization based upon the results of an investigation conducted pursuant to this section.

7. Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section

that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in subsection 1 of NRS 449.4332, is guilty of a misdemeanor.

Sec. 87. NRS 686A.315 is hereby amended to read as follows:

686A.315 1. If a hospital submits to an insurer the form prescribed by the Director of the Department of Health and Human Services pursuant to NRS 449.485, that form must contain or be accompanied by a statement that reads substantially as follows:

> Any person who misrepresents or falsifies essential information requested on this form may, upon conviction, be subject to a fine and imprisonment under state or federal law, or both.

2. If a person who is licensed to practice one of the health professions regulated by title 54 *or chapter 437* of NRS submits to an insurer the form commonly referred to as the "HCFA-1500" for a patient who is not covered by any governmental program which offers insurance coverage for health care, the form must be accompanied by a statement that reads substantially as follows:

> Any person who knowingly files a statement of claim containing any misrepresentation or any false, incomplete or misleading information may be guilty of a criminal act punishable under state or federal law, or both, and may be subject to civil penalties.

3. The failure to provide any of the statements required by this section is not a defense in a prosecution for insurance fraud pursuant to NRS 686A.291.

Sec. 88. NRS 689A.0435 is hereby amended to read as follows:

689A.0435 1. A health benefit plan must provide an option of coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders for persons covered by the policy under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Optional coverage provided pursuant to this section must be subject to:

(a) A maximum benefit of not less than the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusions or limitations of a policy of health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for optional coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer who offers optional coverage pursuant to subsection 1 shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to a school for services delivered through school services.

7. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services~~

~~and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005*.

(g) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 89. NRS 689A.105 is hereby amended to read as follows:

689A.105 Every insurer under a health insurance contract and every state agency for its records shall accept from:

1. A hospital the Uniform Billing and Claims Forms established by the American Hospital Association in lieu of its individual billing and claims forms.

2. An individual who is licensed to practice one of the health professions regulated by Title 54 *or chapter 437* of NRS such uniform health insurance claims forms as the Commissioner shall prescribe, except in those cases where the Commissioner has excused uniform reporting.

Sec. 90. NRS 689B.0335 is hereby amended to read as follows:

689B.0335 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the policy of group health insurance under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a policy of group health insurance to the same extent as other medical services or prescription drugs covered by the policy.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the policy; or

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, an insurer shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ An insurer may request a copy of and review a treatment plan created pursuant to this subsection.

6. A policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring an insurer to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005*.

(g) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be

developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 91. NRS 689B.250 is hereby amended to read as follows:

689B.250 Every insurer under a group health insurance contract or a blanket accident and health insurance contract and every state agency, for its records shall accept from:

1. A hospital the Uniform Billing and Claims Forms established by the American Hospital Association in lieu of its individual billing and claims forms.

2. An individual who is licensed to practice one of the health professions regulated by title 54 *or chapter 437* of NRS such uniform health insurance claims forms as the Commissioner shall prescribe, except in those cases where the Commissioner has excused uniform reporting.

Sec. 92. NRS 689C.1655 is hereby amended to read as follows:

689C.1655 1. A health benefit plan must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health benefit plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health benefit plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health benefit plan that offers or issues a policy of group health insurance which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a carrier shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other

provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A carrier may request a copy of and review a treatment plan created pursuant to this subsection.

6. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a carrier to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005.*

(g) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability~~

~~Services Division of the Department of Health and Human Services.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 93. NRS 695C.1717 is hereby amended to read as follows:

695C.1717 1. A health care plan issued by a health maintenance organization must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

3. A health care plan issued by a health maintenance organization that provides coverage for outpatient care shall not:

(a) Require an enrollee to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

4. Except as otherwise provided in subsections 1 and 2, a health maintenance organization shall not limit the number of visits an enrollee may make to any person, entity or group for treatment of autism spectrum disorders.

5. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A health maintenance organization may request a copy of and review a treatment plan created pursuant to this subsection.

6. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 2 is void.

7. Nothing in this section shall be construed as requiring a health maintenance organization to provide reimbursement to a school for services delivered through school services.

8. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and~~

~~Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005.*

(g) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 94. NRS 695G.1645 is hereby amended to read as follows:

695G.1645 1. A health care plan issued by a managed care organization for group coverage must provide coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

2. A health care plan issued by a managed care organization for individual coverage must provide an option for coverage for screening for and diagnosis of autism spectrum disorders and for treatment of autism spectrum disorders to persons covered by the health care plan under the age of 18 years or, if enrolled in high school, until the person reaches the age of 22 years.

3. Coverage provided under this section is subject to:

(a) A maximum benefit of the actuarial equivalent of $72,000 per year for applied behavior analysis treatment; and

(b) Copayment, deductible and coinsurance provisions and any other general exclusion or limitation of a health care plan to the same extent as other medical services or prescription drugs covered by the plan.

4. A managed care organization that offers or issues a health care plan which provides coverage for outpatient care shall not:

(a) Require an insured to pay a higher deductible, copayment or coinsurance or require a longer waiting period for coverage for outpatient care related to autism spectrum disorders than is required for other outpatient care covered by the plan; or

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use in the future any of the services listed in subsection 1.

5. Except as otherwise provided in subsections 1, 2 and 3, a managed care organization shall not limit the number of visits an insured may make to any person, entity or group for treatment of autism spectrum disorders.

6. Treatment of autism spectrum disorders must be identified in a treatment plan and may include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with an autism spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with an autism spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

➥ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

7. An evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2011, has the legal effect of including the coverage required by subsection 1, and any provision of the evidence of coverage or the renewal which is in conflict with subsection 1 or 3 is void.

8. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to a school for services delivered through school services.

9. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Autism spectrum disorder" has the meaning ascribed to it in NRS 427A.875.

(c) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed

psychologist, licensed behavior analyst, licensed assistant behavior analyst or registered behavior technician.

(d) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to autism spectrum disorders.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Licensed assistant behavior analyst" ~~[means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.]~~ *has the meaning ascribed to the term "assistant behavior analyst" in NRS 437.005*.

(g) "Licensed behavior analyst" ~~[means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services.]~~ *has the meaning ascribed to the term "behavior analyst" in NRS 437.010.*

(h) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(i) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(j) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(k) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(l) "Screening for autism spectrum disorders" means medically necessary assessments, evaluations or tests to screen and diagnose whether a person has an autism spectrum disorder.

(m) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(n) "Treatment plan" means a plan to treat an autism spectrum disorder that is prescribed by a licensed physician or licensed psychologist and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

Sec. 95. Section 78 of chapter 588, Statutes of Nevada 2017, at page 4265, is hereby amended to read as follows:

Sec. 78. 1. This section and section 74 of this act become effective upon passage and approval.

2. Sections 1 to 71, inclusive, 73, 75, 76 and 77 of this act become effective on January 1, 2019.

3. Section 72 of this act becomes effective on July 1, 2026.

4. Sections 22 and 32 of this act expire by limitation on the date *2 years after* on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Sec. 96. ~~[1. The terms of the members of the Board of Applied Behavior Analysis appointed to the Board pursuant to subsection 2 of NRS 437.100 who are incumbent on September 30, 2021, expire on that date.~~

~~2. On or before October 1, 2021, the Governor shall:~~

~~(a) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (a) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2022.~~

~~(b) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (a) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2023.~~

~~(c) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (a) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2024.~~

~~(d) Appoint a member to the Board of Applied Behavior Analysis pursuant to paragraph (b) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2025.~~

~~(e) Reappoint a member of the Board of Applied Behavior Analysis whose term expires on September 30, 2021, or appoint a new member to the Board of Applied Behavior Analysis pursuant to paragraph (c) of subsection 2 of NRS 437.100, as amended by section 53 of this act, to a term that commences on October 1, 2021, and expires on September 30, 2025.]~~ (Deleted by amendment.)

Sec. 97. On October 1, 2021, the Aging and Disability Services Division of the Department of Health and Human Services shall transfer any money in

the account described in subsection 2 of NRS 437.140 to the Board of Applied Behavior Analysis. The Secretary-Treasurer of the Board shall deposit the money as required by NRS 437.140, as amended by section 55 of this act, as soon as practicable on or after October 1, 2021.

Sec. 98. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 99. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 100. NRS 437.025, 437.135 and 437.330 are hereby repealed.

Sec. 101. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 36, inclusive, 41 to 61, inclusive, and 63 to 100, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2021, for all other purposes.

3. Sections 37 to 40, inclusive, and 62 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or

suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 37 to 40, inclusive, and 62 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational or recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

437.025 "Division" defined. "Division" means the Aging and Disability Services Division of the Department of Health and Human Services.

437.135 Division authorized to hold hearings, conduct investigations and take evidence with approval of Board. In a manner consistent with the provisions of chapter 622A of NRS and with the approval of the Board, the Division may hold hearings and conduct investigations related to its duties under this chapter and take evidence on any matter under inquiry before it.

437.330 Renewal: Information concerning state business license required; conditions which require denial.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician must indicate in the application submitted to the Division whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. A license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician may not be renewed if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Division pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 353C.020.

(b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 402 makes three changes to Senate Bill No. 217. The amendment deletes the phrase "equivalent credential" throughout the bill. It provides that the additional proposed member of the Board of Applied Behavior Analysis may be a person licensed as a behavior analyst or an assistant behavior analyst in this State. It includes provisions that a licensee or registrant is subject to discipline if they violate a regulation of the Board of Applied Behavior Analysis, including, without limitation, the requirement that a licensee or registrant comply with any applicable requirements concerning ethics prescribed by the Behavior Analyst Certification Board, Inc., or its successor organization.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 231.

Bill read second time.

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

Amendment No. 151.

SUMMARY—Revises provisions related to financial services. (BDR 55-86)

AN ACT relating to financial services; requiring loans made exclusively through the Internet to a resident of this State and contracts related to such loans to be governed by the laws of this State; requiring litigation proceedings arising from such loans and related contracts to be conducted in this State; voiding and making unenforceable as against public policy certain contractual provisions relating to such loans; revising provisions relating to persons who make loans exclusively through the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in the business of lending without first having obtained a license from the Commissioner for each office or other place of business at which the person engages in the business of lending. (NRS 675.060) Existing law generally authorizes a person to obtain such a license for an office or other place of business located outside of this State only if: (1) the person has a license for an office or other place of business located in this State; or (2) the person is an "Internet business lender," which existing law defines to mean a person who makes business loans exclusively through the Internet. (NRS 675.020, 675.090) Section ~~[2]~~ 3 of this bill authorizes an "Internet consumer lender," which is defined in section ~~[1]~~ 2 of this bill to mean a person who makes consumer loans exclusively through the Internet, to obtain a license to engage in the business of lending for an office or place of business located outside of this State.

Section 1 of this bill requires every loan made to a resident of this State by such a lender and any related loan contract to be governed by the laws of this State. Section 1 also requires any litigation proceeding arising from such a loan or loan contract to be conducted in this State. Section 1 provides that any provision, covenant or clause in a loan contract that conflicts with such requirements are null, void and unenforceable as against public policy.

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

Section 1. Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The laws of this State shall govern every loan made to a resident of this State by an Internet consumer lender and any related loan contract.

2. Any litigation proceeding arising from a loan made to a resident of this State by an Internet consumer lender or from a related loan contract shall be conducted in this State.

3. Any provision, covenant or clause in a loan contract that conflicts with the provisions of this section shall be null, void and unenforceable as against public policy.

~~[Section 1.]~~ *Sec. 2.* NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

6. "Covered service member" has the meaning ascribed to it in NRS 604A.038.

7. "Dependent" has the meaning ascribed to it in NRS 604A.057.

8. "Internet business lender" means a person who makes business loans exclusively through the Internet.

9. *"Internet consumer lender" means a person who makes consumer loans exclusively through the Internet.*

10. "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[10.]~~ *11.* "Licensee" means a person to whom one or more licenses have been issued.

~~[Sec. 2.]~~ *Sec. 3.* NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if:

(a) The applicant is an Internet business *lender or Internet consumer* lender; or

(b) The applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State.

4. A person who wishes to apply for a license pursuant to subsection 3 must submit with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 151 to Senate Bill No. 231 adds a new section to the bill concerning the applicability of this State's laws on loans made to a resident of Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 253.

Bill read second time.

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

Amendment No. 385.

SUMMARY—Revises provisions related to alarm systems. (BDR 20-968)

AN ACT relating to alarm systems; prohibiting, under certain circumstances, the governing body of a county or city from imposing a penalty, fine or fee on an alarm system contractor or monitoring company; ~~[revising provisions relating to the information required to be included on advertising by a licensed contractor who installs alarm systems;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, with certain exceptions, that a board of county commissioners has the power and jurisdiction in its county to do and perform all acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board. (NRS 244.195) Section 1 of this bill prohibits a board of county commissioners from imposing any penalty, fine or fee on an alarm system contractor or alarm system monitoring company for any false alarm that cannot be attributed to the improper installation of the alarm system or any other error committed by the contractor or monitoring company. Section 2 of this bill indicates the placement of section 1 in the Nevada Revised Statutes.

Section 3 of this bill prohibits the governing body of an incorporated city from imposing any penalty, fine or fee on an alarm system contractor or alarm system monitoring company for any false alarm that cannot be attributed to the improper installation of the alarm system or any other error committed by the contractor or monitoring company.

~~[Existing law requires that all advertising by a licensed contractor must include the number of the contractor's license. (NRS 624.720) Section 4 of this bill provides that advertising by a contractor who installs alarm systems may include, instead, an Internet website or a phone number through which a person can obtain the number of the contractor's license.]~~

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

A board of county commissioners shall not impose any penalty, fine or fee on an alarm system contractor or alarm system monitoring company for a false alarm that cannot be attributed to the improper installation of the alarm system or any other error committed by the alarm system contractor or alarm system monitoring company.

Sec. 2. NRS 244.195 is hereby amended to read as follows:

244.195 Except as otherwise provided in NRS 244.137 to 244.146, inclusive, *and section 1 of this act*, the boards of county commissioners shall

have power and jurisdiction in their respective counties to do and perform all such other acts and things as may be lawful and necessary to the full discharge of the powers and jurisdiction conferred on the board.

Sec. 3. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a city shall not impose any penalty, fine or fee on an alarm system contractor or alarm system monitoring company for a false alarm that cannot be attributed to the improper installation of the alarm system or any other error committed by the alarm system contractor or alarm system monitoring company.

Sec. 4. ~~[NRS 624.720 is hereby amended to read as follows:~~

~~624.720 1. It is unlawful for any person, including a person exempt under the provisions of NRS 624.031, to advertise as a contractor unless the person has a license in the appropriate classification established by the provisions of NRS 624.215 and 624.220.~~

~~2. Notwithstanding any other provision of this chapter, any person not licensed pursuant to the provisions of this chapter who advertises to perform or complete construction work or a work of improvement must state in the advertisement that he or she is not licensed pursuant to this chapter.~~

~~3. It is unlawful for a licensed contractor to disseminate, as part of any advertising by the contractor, any false or misleading statement or representation of material fact that is intended, directly or indirectly, to induce another person to use the services of the contractor or to enter into any contract with the contractor or any obligation relating to such a contract.~~

~~4. [All] *Except as otherwise provided in this subsection, all* advertising by a licensed contractor must include the name of the contractor's company and the number of the contractor's license.*Advertising by a contractor who installs alarm systems is not required to include the number of the contractor's license if the advertisement includes an Internet website or a phone number through which a person can obtain the number of the contractor's license.*~~

~~5. It is unlawful for any person, whether or not licensed pursuant to this chapter, to advertise to perform or complete construction work or a work of improvement using a license number that does not correspond to a valid license issued to that person under this chapter.~~

~~6. If, after giving notice and holding a hearing pursuant to NRS 624.291, the Board determines that a person has engaged in advertising in a manner that violates the provisions of this section, the Board may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of this chapter, issue an order to the person to cease and desist the unlawful advertising and to cause any telephone number included in the advertising to be disconnected.~~

~~7. If a person fails to comply with subsection 6 within 5 days after receiving an order pursuant to subsection 6, the Board may request the Public Utilities Commission of Nevada to order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement.~~

~~8. As used in this section:~~

~~(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "contractor" with or without any limiting qualifications.~~

~~(b) Provider of telephone service" has the meaning ascribed to it in NRS 707.355.]~~ (Deleted by amendment.)

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 385 to Senate Bill No. 253 removes revisions to information required to be included on advertising by a licensed contractor who installs alarm systems.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 398.

SUMMARY—Revises provisions relating to elections. (BDR 24-896)

AN ACT relating to elections; eliminating the requirement to cancel a person's voter registration if a person changes his or her party affiliation; revising ~~[the deadlines by which]~~ provisions related to military and overseas voters ; ~~[may submit certain applications to register to vote and cast a ballot;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the county clerk to cancel the registration of a person if he or she requests to affiliate or change his or her affiliation with a political party and provides that the person may reregister immediately. (NRS 293.540, 293.543) Sections 1 and 2 of this bill revise these provisions to remove the requirement for the county clerk to cancel the registration of a person who requests to affiliate or change his or her affiliation with a political party.

Existing law requires the Secretary of State to establish a system of approved electronic transmission for covered voters, who are uniformed-service voters, overseas voters and the spouses and dependents of such persons, to apply for, receive and send documents related to registering to vote and voting. (NRS 293D.030, 293D.200) Existing law also authorizes a covered voter to submit an application to register to vote or an application for a military-overseas ballot until the seventh day before an election. (NRS 293D.230, 293D.300, 293D.310) Sections ~~[3-5]~~ 2.6-5.5 of this bill ~~[authorize, instead,]~~ revise the deadlines for a covered voter to apply to register to vote , apply for a military-overseas ballot and cast a military-overseas ballot . ~~[by the deadline for casting an absent ballot that applies to a registered voter who is not a covered voter .]~~

Section 2.6 of this act provides that a covered voter who is not a registered voter in this State may use the electronic equivalent of the federal postcard application created using the system of approved electronic transmission to simultaneously apply to register to vote and submit a military-overseas ballot. Section 2.6 also sets forth the deadlines for submitting the electronic equivalent of the federal postcard application and the military-overseas ballot which differ depending on whether those documents are submitted by mail or by electronic mail or facsimile machine.

Section 2.8 of this bill clarify that a "military-overseas ballot" includes any ballot by a covered voter in accordance with chapter 293D of NRS where the covered voter has indicated his or her voting choices.

Section 3 of this bill provides that a covered voter may simultaneously apply to register to vote and request a military-overseas ballot by submitting the standard federal postcard or the application's electronic equivalent by the seventh day before the election.

Section 4 provides that a covered voter who is registered vote in this State may apply for a military-overseas ballot by submitting a federal postcard application or the application's electronic equivalent if the federal postcard application or the application's electronic equivalent is received by the seventh day before the election.

Sections 5 and 5.5 of this bill make conforming changes related to the amendments to the deadlines as set forth in sections 2.6-4.

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

Section 1. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within 20 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or

her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

➥ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature

and the address and date included with each signature in making his or her determination.

6. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

(c) A person registers to vote pursuant to *chapter 293D of* NRS ~~[293D.230]~~ and signs his or her application to register to vote using a digital signature or an electronic signature; or

(d) A person registers to vote pursuant to NRS 293.5742,

➥ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

8. Except as otherwise provided in subsection 10, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

9. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

10. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

11. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

~~[Section 1.]~~ *Sec. 1.5.* NRS 293.540 is hereby amended to read as follows:

293.540 1. The county clerk shall cancel the preregistration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) At the request of the person.

(c) If the county clerk has discovered an incorrect preregistration pursuant to the provisions of NRS 293.5235 and the person has failed to respond within the required time.

(d) As required by NRS 293.541.

(e) Upon verification that the application to preregister to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

2. The county clerk shall cancel the registration of a person:

(a) If the county clerk has personal knowledge of the death of the person or if an authenticated certificate of the death of the person is filed in the county clerk's office.

(b) If the county clerk is provided a certified copy of a court order stating that the court specifically finds by clear and convincing evidence that the person lacks the mental capacity to vote because he or she cannot communicate, with or without accommodations, a specific desire to participate in the voting process.

(c) Upon the determination that the person has been convicted of a felony and is currently incarcerated.

(d) Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

(e) ~~[Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.~~

~~(f)]~~ At the request of the person.

~~[(g)]~~ *(f)* If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

~~[(h)]~~ *(g)* As required by NRS 293.541.

~~[(i)]~~ *(h)* Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 2. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to paragraph (b) of subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been found by the district court to have the mental capacity to vote. The court must include the finding in a court order and, not later than 30 days after issuing the order, provide a certified copy of the order to the county clerk of

the county in which the person is a resident and to the Office of the Secretary of State.

2. If the registration of an elector is cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540, the elector may reregister upon release from prison.

3. ~~[If the registration of an elector is cancelled pursuant to the provisions of paragraph (e) of subsection 2 of NRS 293.540, the elector may reregister immediately.~~

~~4.]~~ If the registration of an elector is cancelled pursuant to the provisions of paragraph ~~[(f)]~~ *(e)* of subsection 2 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

~~[5.]~~ *4.* A county clerk shall not require an elector to present evidence, including without limitation, a court order or any other document, to prove that the elector satisfies the requirements of subsection 2.

Sec. 2.2. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, ~~[293D.230 and 293D.300:]~~ *and chapter 293D of NRS:*

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 2.4. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, ~~[293D.230 and 293D.300:]~~ *and chapter 293D of NRS:*

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(4) By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or

general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 2.6. Chapter 293D of NRS is hereby amended by adding thereto a new section to read as follows:

1. A covered voter who is not registered to vote in this State may use the electronic equivalent of the federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), created using the system of approved electronic transmission described in subsection 2 of NRS 293D.200 to apply to simultaneously register to vote and submit a military-overseas ballot.

2. The electronic equivalent of the federal postcard application and the military-overseas ballot must be sent by the covered voter:

(a) By mail, postmarked on or before the day of the election and received by the appropriate elections official by the deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or

(b) By electronic mail or facsimile machine and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.

3. If the electronic equivalent of the federal postcard is received after the applicable deadline set forth in subsection 2, it must be treated as an application to register to vote for subsequent elections.

Sec. 2.8. NRS 293D.050 is hereby amended to read as follows:

293D.050 "Military-overseas ballot" means:

1. A federal write-in absentee ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303;

2. A ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or

3. Any other ballot cast by a covered voter in accordance with this chapter ~~[.]~~ *where the covered voter has indicated his or her voting choices.*

Sec. 3. NRS 293D.230 is hereby amended to read as follows:

293D.230 1. ~~[In addition to any other method of registering to vote set forth in chapter 293 of NRS, a]~~ *A* covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), ~~[or the application's electronic equivalent , created using the system of approved electronic transmission described in subsection 2 of NRS 293D.200,]~~ to *simultaneously* apply to register to vote ~~[,]~~ *and request a military-overseas ballot* if the federal postcard application ~~*[or the application's electronic equivalent]*~~ is received ~~*[sent, as applicable:*~~

~~*(a) By mail, postmarked on or before the day of the election and received]*~~ *by* the appropriate local elections official by the seventh day before the election. ~~*[deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or*~~

~~*(b) Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200 and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.*~~

~~*➥]*~~ If the federal postcard application ~~*[or the application's electronic equivalent]*~~ is received after the seventh day before the election, ~~*[applicable deadline set forth in this subsection,]*~~ it must be treated as an application to register to vote for subsequent elections.

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration ~~[is received]~~ *and federal write-in absentee ballot are sent:*

(a) By mail, postmarked on or before the day of the election and received by the ~~[seventh day before the election.]~~ *appropriate local elections official by the deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or*

(b) ~~*[Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200]*~~ *By electronic mail or facsimile machine and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.*

➥ If the declaration is received after the ~~[seventh day before the election,]~~ *applicable deadline set forth in this subsection,* it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting:

(a) Both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 of NRS to register to vote.

Sec. 4. NRS 293D.300 is hereby amended to read as follows:

293D.300 1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent ~~[,]~~ *created using the system of approved electronic transmission described in subsection 2 of NRS 293D.200,* if the federal postcard application *or the application's electronic equivalent* is received ~~[*sent, as applicable:*~~

~~*— (a) By mail, postmarked on or before the day of the election and received]*~~ by the appropriate local elections official by the seventh day before the election. ~~*[deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or*~~

~~*— (b) Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200 and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.]*~~

~~[2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply for a military-overseas ballot, if the federal postcard application *or the application's electronic equivalent* is received *sent, as applicable:*~~

~~*— (a) By mail, postmarked on or before the day of the election and received* by the appropriate local elections official by the seventh day before the election.~~ ~~*deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or*~~

~~*— (b) Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200 and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.*~~

~~*—]*~~ If the federal postcard application ~~*[for the application's electronic equivalent]*~~ is received after the seventh day before the election, ~~*[applicable deadline set forth in this subsection,]*~~ it must be treated as an application ~~[to register to vote]~~ *for a military-overseas ballot* for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection 2 of NRS 293D.200 is capable of accepting the submission of:

(a) Both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official; and

(b) A digital signature or an electronic signature of a covered voter on the documents described in paragraph (a).

4. A covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

5. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration ~~[is received]~~ *and federal write-in absentee ballot are sent:*

(a) By mail, postmarked on or before the day of the election and received by the appropriate local elections official by the ~~[seventh day before the election.]~~ *deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; or*

(b) ~~*[Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200]*~~ *By electronic mail or facsimile machine and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.*

6. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

7. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of chapter 293 or 293C of NRS or voting in person.

Sec. 5. NRS 293D.310 is hereby amended to read as follows:

293D.310 *1.* An application for a military-overseas ballot is timely if ~~*[sent:*~~

~~*(a) By mail, postmarked on or before the day of the election and]*~~ received by the ~~[seventh day before the election.~~*appropriate local elections official by the deadline for receiving absent ballots]* *deadlines set forth in* ~~*[paragraph (b) of subsection 1 of NRS 293.317; or*~~

~~*(b) Through the system of approved electronic transmission described in subsection 2 of NRS 293D.200 and received by the appropriate local elections official before the time set for the closing of polls pursuant to NRS 293.273.]*~~ *NRS 293D.230, 293D.300 or section 2.6 of this act, as applicable.*

2. An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.

Sec. 5.5. NRS 293D.400 is hereby amended to read as follows:

293D.400 ~~[A]~~ *Except as otherwise provided in NRS 293D.230 and 293D.300, a* military-overseas ballot *that is sent:*

1. By mail, must be *postmarked on or before the day of the election and* received by the appropriate local elections official *by the deadline for receiving absent ballots set forth in paragraph (b) of subsection 1 of NRS 293.317; and*

2. By electronic mail or facsimile, must be received by the appropriate elections official by not later than the ~~[close]~~ *time set for the closing* of the polls ~~[.]~~ *pursuant to NRS 293.373.*

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ 5.5, 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 January 1, 2022, for all other purposes.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 398 to Senate Bill No. 263 adds new language to chapter 293D of NRS to allow a covered voter who is not registered, to use the electronic equivalent of the federal postcard application to simultaneously apply to register to vote and submit a military-overseas ballot. It also sets forth mail, electronic and facsimile deadlines for submitting such applications, as well as deadlines for military overseas ballots. It provides that a covered voter may simultaneously apply to register to vote and request a military-overseas ballot by submitting the federal postcard or its electronic equivalent by the seventh day before the election. The bill specifies that a covered voter who is registered to vote, may apply for a military-overseas ballot via a federal postcard application or its electronic equivalent if it is received by the seventh day before the election.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 282.

Bill read second time.

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

Amendment No. 415.

SUMMARY—Revises provisions relating to real estate. (BDR 54-841)

AN ACT relating to real estate; revising provisions governing the ~~[deposit and use of certain administrative fines, fees, penalties and charges;]~~ financial administration of the Real Estate Division of the Department of Business and Industry; revising the provisions governing the Real Estate Education, Research and Recovery Fund; imposing a technology fee for the issuance or renewal of certain licenses, certificates, permits and registrations issued by the ~~[Real Estate]~~ Division ; ~~[of the Department of Business and Industry;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain administrative fines, fees, penalties and charges that are collected by the Real Estate Commission, the Commission of

Appraisers of Real Estate and the Real Estate Division of the Department of Business and Industry to be deposited in the State General Fund. ~~[for unrestricted use.]~~ Under existing law, the Real Estate Division is required to charge and collect various fees for licenses, certificates, permits and registrations. (NRS 119.320, 119A.360, 645.830, 645C.450, 645C.680, 645D.240, 645H.530, 645H.540, 645H.560) Any money required for the administration of the Division is required to be legislatively appropriated from the State General Fund. (NRS 119.118, 645.140, 645C.240, 645D.140, 645H.350) Section 1 of this bill creates the Account for Real Estate Administration in the State General Fund to pay for the administrative expenses of the Division. Section 1 also provides that: (1) the interest and income earned on money in the Account must be credited to the Account; and (2) any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year. Sections ~~[1,]~~ 2, 5, 9, 11, ~~[16,]~~ 19 and 21 of this bill require, with certain exceptions, that money collected ~~[from the imposition of those administrative fines, fees, penalties and other charges be deposited into separate accounts in the State General Fund for the restricted use of administering the provisions of law governing the relevant profession or occupation from whose members the money was collected. Sections 1, 5, 9, 11, 16, 19 and 21 also provide that: (1) the interest and income earned on the money in each such account must be credited to that account; and (2) any money remaining in such an account at the end of a fiscal year does not revert to the State General Fund and must be carried forward to the next fiscal year.]~~ by the Division must be credited to the Account and used to pay for the administrative expenses of the Division. Sections ~~[2,]~~ 3 ~~[, 15, 17, 18]~~ and 20 of this bill make conforming changes relating to the deposit and authorized use of certain money ~~[.]~~ collected by the Division.

Existing law: (1) requires that a balance of not less than $300,000 be maintained in the Real Estate Education, Research and Recovery Fund to be used for satisfying claims against certain persons licensed by the Division; and (2) prescribes certain authorized uses for any balance over $300,000 remaining in the Fund at the end of any fiscal year. (NRS 645.842) Section 4.5 of this bill reduces from $300,000 to $100,000 the minimum balance that is required to be maintained in the Fund. Section 4.5 also requires the Real Estate Administrator to transfer any amount in excess of $100,000 at the end of each fiscal year to the Account for Real Estate Administration.

Existing law requires a person who wishes to engage in certain professions relating to real estate to obtain a license, certificate, permit or registration, as applicable, from the Real Estate Division. (Chapters 119A, 645, 645C, 645D and 645H of NRS) Sections 4, 7, 8, 10, 12-14 and 22 of this bill require an applicant for the issuance or renewal of certain licenses, certificates, permits and registrations issued by the Real Estate Division to pay a technology fee of $15 in addition to any other fee assessed by the Real Estate Division for any such issuance or renewal. ~~[Sections 1, 5, 9, 11 and 21 require that the money~~

~~collected from the technology fee imposed on each type of regulated profession or occupation be separately accounted for and used only to acquire technology for or improve the technology used by the Real Estate Division to administer the provisions of law governing that profession or occupation.]~~ Section 6 of this bill makes a conforming change as a result of the imposition of a technology fee.

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

Section 1. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 6 and NRS 645.314, 645.843 and 645.848, all administrative fines, fees, penalties and other charges received by the Commission or Division pursuant to this chapter must be deposited with the State Treasurer for credit to the Account for the Administration of Chapter 645 of NRS, which]~~ The Account for Real Estate Administration is hereby created in the State General Fund. The Administrator shall administer the Account.

2. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.

3. ~~[Except as otherwise provided in subsection 4, the]~~ The money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter ~~[.]~~ and chapters 119, 119A, 645C, 645D and 645H of NRS.

4. ~~[All money collected from the technology fee imposed pursuant to NRS 645.830 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.~~

~~5.]~~ All claims against the Account must be paid as other claims against the State are paid.

~~[6. Except as otherwise provided in NRS 645.6058, the Commission and Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.]~~

Sec. 2. NRS 645.140 is hereby amended to read as follows:

645.140 1. Except as otherwise provided in this section ~~[,]~~ *and NRS 645.314, 645.843 and 645.848,* all *administrative fines,* fees, penalties

and *other* charges received by the *Commission or* Division pursuant to ~~[NRS 645.410, 645.660 and 645.830]~~ *this chapter* must be deposited with the State Treasurer for credit to the ~~[State General Fund.]~~ *Account for Real Estate Administration created by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out this provisions of this chapter*.

2. ~~[The fees received by the Division:~~

~~(a) From the sale of publications must be retained by the Division to pay the costs of printing and distributing publications.~~

~~(b) For examinations must be retained by the Division to pay the costs of the administration of examinations.~~

~~➥ Any surplus of the fees retained by the Division for the administration of examinations must be deposited with the State Treasurer for credit to the State General Fund.~~

~~3. Money for the support of the Division must be provided by direct legislative appropriation, and be paid out on claims as other claims against the State are paid.~~

~~4.]~~ *Except as otherwise provided in NRS 645.6058, the Commission and Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*

3. Each member of the Commission is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Commission, while engaged in the business of the Commission; and

(b) A per diem allowance and travel expenses at a rate fixed by the Commission, while engaged in the business of the Commission. The rate must not exceed the rate provided for state officers and employees generally.

~~[5.~~ ~~2.]~~ *4.* While engaged in the business of the Commission, each employee of the Commission is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Commission. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 3. NRS 645.6058 is hereby amended to read as follows:

645.6058 ~~[1. Except as otherwise provided in subsection 3, all fees, penalties and fines received by the Division pursuant to the provisions of NRS 645.6052 to 645.6058, inclusive, must be deposited with the State Treasurer for credit to the Division. The money must be used by the Division for the administration of the provisions of NRS 645.6052 to 645.6058, inclusive.~~

~~2.]~~ The Division may delegate to a hearing officer or panel its authority to take any disciplinary action against property managers ~~[,]~~ *and* impose and collect fines pursuant to the disciplinary action . ~~[and deposit the money with the State Treasurer for credit to the Division.~~

~~3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2, the Division shall deposit the money collected from the imposition of penalties and fines collected from property managers with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the costs of an investigation, or both.~~]

Sec. 4. NRS 645.830 is hereby amended to read as follows:

645.830 1. The following fees must be charged by and paid to the Division:

For each original real estate broker's, broker-salesperson's or corporate broker's license $105
For each original real estate salesperson's license..... 85
For each original branch office license 120
For real estate education, research and recovery to be paid at the time an application for an original license is filed 40
For real estate education, research and recovery to be paid at the time an application for renewal of a license is filed..... 40
For each renewal of a real estate broker's, broker-salesperson's or corporate broker's license 180
For each renewal of a real estate salesperson's license 140
For each renewal of a real estate branch office license..... 110
For each penalty for late filing of a renewal for a broker's, broker-salesperson's or corporate broker's license..... 95
For each penalty for late filing of a renewal for a salesperson's license 75
For each change of name or address 20
For each transfer of a real estate salesperson's or Broker-salesperson's license and change of association or employment 20
For each duplicate license where the original license is lost or destroyed, and an affidavit is made thereof 20
For each change of broker status from broker to broker-salesperson 20
For each change of broker status from broker-salesperson to broker..... 40
For each reinstatement to active status of an inactive real estate broker's, broker-salesperson's or salesperson's license 20
For each reinstatement of a real estate broker's license when the licensee fails to give immediate written notice to the Division of a change of name or business location 30
For each reinstatement of a real estate salesperson's or broker-salesperson's license when he or she fails to notify the Division of a change of broker within 30 days of

termination by previous broker 30
For each original registration of an owner-developer 125
For each annual renewal of a registration of an owner-developer 125
For each enlargement of the area of an owner-developer's registration 50
For each cooperative certificate issued to an out-of-state broker licensee for 1 year or fraction thereof 150
For each original accreditation of a course of continuing education 100
For each renewal of accreditation of a course of continuing education 50
For each annual approval of a course of instruction offered in preparation for an original license or permit 100

2. *In addition to the fees imposed by subsection 1 and NRS 645.843, each applicant for the issuance or renewal of a real estate broker's, broker-salesperson's or salesperson's license issued pursuant to this chapter must pay to the Division a technology fee of $15.*

3. The fees prescribed by this section for courses of instruction offered in preparation for an original license or permit or for courses of continuing education do not apply to:

(a) Any university, state college or community college of the Nevada System of Higher Education.

(b) Any agency of the State.

(c) Any regulatory agency of the Federal Government.

~~[3.]~~ *4.* The Commission shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of any investigation of a person's background.

Sec. 4.5. NRS 645.842 is hereby amended to read as follows:

645.842 1. The Real Estate Education, Research and Recovery Fund is hereby created as a special revenue fund.

2. A balance of not less than ~~[$300,000]~~ *$100,000* must be maintained in the Fund, to be used for satisfying claims against persons licensed under this chapter, as provided in NRS 645.841 to 645.8494, inclusive. ~~[Any balance over $300,000 remaining]~~

3. At the end of each fiscal year, the Administrator shall transfer any amount in excess of $100,000 in the Fund ~~[at the end of any fiscal year must be set aside and used:~~

~~(a) By the Administrator, after approval of the Commission, for real estate education and research; or~~

~~(b) For any other purpose authorized by the Legislature.~~

~~3.]~~ *to the Account for Real Estate Administration created by section 1 of this act.*

4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.

5. The money in the Fund does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

Sec. 5. NRS 645C.240 is hereby amended to read as follows:

645C.240 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ *subsection ~~[7,]~~* 3, all *administrative fines,* fees, penalties and other charges received by the *Commission or* Division pursuant to this chapter must be deposited with the State Treasurer for credit to the ~~[State General Fund.]~~ *Account for ~~[the]~~ Real Estate Administration ~~[of Chapter 645C of NRS, which is hereby]~~ created ~~[in the State General Fund. The Administrator shall administer the Account.]~~ by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.*

2. ~~[Fees received by the Division:~~

~~(a) From the sale of publications must be retained by the Division to pay the costs of printing and distributing publications.~~

~~(b) For examinations must be retained by the Division to pay the costs of the administration of examinations.~~

~~➥ Any surplus of the fees retained by the Division for the administration of examinations must be deposited with the State Treasurer for credit to the State General Fund. *The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.*~~

~~*3. Except as otherwise provided in subsections 4 and 5, the money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.*~~

~~*4.]*~~ The portion of the fees collected by the Division pursuant to NRS 645C.450 and 645C.680 for the issuance or renewal of a certificate or license as a residential appraiser, the issuance or renewal of a certificate as a general appraiser or the issuance or renewal of a registration as an appraisal management company which is used for payment of the annual registry fee to the Federal Financial Institutions Examination Council or the Appraisal Subcommittee pursuant to 12 U.S.C. § 3338, must be ~~[retained by the Division]~~ *accounted for separately in the Account and used only* for payment to the Federal Financial Institutions Examination Council or the Appraisal Subcommittee on an annual basis.

~~[4. Money~~

~~*5. All money collected from the technology fee imposed pursuant to NRS 645C.450 and 645C.680 must be accounted* for *separately in* the support of *Account and used only to acquire technology for or improve the technology used by the* Division in carrying out *to administer* the provisions of this chapter must be provided by direct legislative appropriation*., including, without limitation, costs related to acquiring or improving technology, purchasing*

~~*hardware and software, maintaining the technology and contracting for professional services related to the technology.*~~

~~*6. All claims against the Account must* be paid out on claims as other claims against the State are paid.~~

~~*7.]* *3.* *The Commission and Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*

Sec. 6. NRS 645C.340 is hereby amended to read as follows:

645C.340 1. Each application for an examination for a certificate or license must be accompanied by the fees established by the Division pursuant to subsection ~~[2]~~ *3* of NRS 645C.450.

2. The examination must test the applicant on his or her knowledge and understanding of:

(a) Subjects applicable to the type of certificate or license for which the applicant is applying; and

(b) Laws regarding the practice of preparing and communicating appraisals, including the provisions of this chapter and any regulations adopted pursuant thereto.

3. The Division may hire a professional testing organization to create, administer or score the examination.

Sec. 7. NRS 645C.450 is hereby amended to read as follows:

645C.450 1. The following fees may be charged and collected by the Division:

Application for a certificate, license or registration card	$100
Issuance or renewal of a certificate or license as a residential appraiser	320
Issuance or renewal of a certificate as a general appraiser	420
Issuance of a permit	115
Issuance or renewal of a registration card	190
Issuance of a duplicate certificate or license for an additional office	50
Change in the name or location of a business	20
Reinstatement of an inactive certificate or license	30
Annual approval of a course of instruction offered in preparation for an initial certificate or license	100
Original approval of a course of instruction offered for continuing education	100
Renewal of approval of a course of instruction offered for continuing education	50

2. *In addition to any fees imposed pursuant to subsection 1, each applicant for the issuance or renewal of a certificate, license or registration card issued pursuant to this chapter must pay to the Division a technology fee of $15.*

3. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate or license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

~~[3.]~~ *4.* The Division shall collect and remit the annual registry fee to the Federal Financial Institutions Examination Council or to the Appraisal Subcommittee, as appropriate, pursuant to 12 U.S.C. § 3338 and the rules or regulations issued thereunder.

Sec. 8. NRS 645C.680 is hereby amended to read as follows:

645C.680 1. The Division, with advice from the Commission, shall establish by regulation fees for appraisal management companies, including, without limitation, fees for:

(a) Application for registration;

(b) Registration;

(c) Renewal of registration;

(d) Late renewal of registration;

(e) Investigation of applicants; and

(f) Inactive status.

2. *In addition to the fees established pursuant to subsection 1, each applicant for the issuance or renewal of a registration as an appraisal management company must pay to the Division a technology fee of $15.*

3. Except as otherwise provided in this subsection, the Division shall collect and remit the annual registry fee to the Federal Financial Institutions Examination Council or to the Appraisal Subcommittee, as appropriate, pursuant to 12 U.S.C. § 3338 and the rules or regulations issued thereunder. The fee required by this subsection must be collected from an appraisal management company only if, during the applicable year, the appraisal management company oversees a network or panel of more than 15 certified or licensed appraisers in this State or 25 or more certified or licensed appraisers nationally.

Sec. 9. NRS 645D.140 is hereby amended to read as follows:

645D.140 1. ~~[All]~~ *Except as otherwise provided in subsection ~~[6,]~~ 2, all administrative fines,* fees, penalties and other charges received by the *Real Estate Commission or the* Division pursuant to this chapter must be deposited with the State Treasurer for credit to the ~~[State General Fund.]~~ *Account for ~~[the]~~ Real Estate Administration ~~[of Chapter 645D of NRS, which is hereby]~~ created ~~[in the State General Fund. The Administrator shall administer the Account.]~~ by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.*

2. ~~[~~Money for ~~*The interest and income earned on money in the* support of *Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.*~~

~~*3. Except as otherwise provided in subsection 4, the money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.*~~

~~*4. All money collected from the technology fee imposed pursuant to NRS 645D.240 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.*~~

~~*5. All claims against the Account must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.*~~

~~3.~~ *~~6.~~* The Real Estate Commission and the Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Real Estate Commission or Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

Sec. 10. NRS 645D.240 is hereby amended to read as follows:

645D.240 1. The following fees must be charged and collected by the Division:

For each application for a certificate or license	$100
For the issuance or renewal of a certificate or license	250
For each penalty for a late renewal of a certificate or license	125
For each change of name, address or association	20
For each duplicate certificate or license where the original is lost or destroyed and an affidavit is made thereof	20
For each reinstatement to active status of an inactive certificate or license	20
For each annual approval of a course of instruction offered in preparation for an original certificate or license	100
For each original accreditation of a course of continuing education	100
For each renewal of accreditation of a course of continuing education	50

2. *In addition to the fees imposed by subsection 1, each applicant for the issuance or renewal of a certificate or license issued pursuant to this chapter must pay to the Division a technology fee of $15.*

3. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate or license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 11. NRS 645H.350 is hereby amended to read as follows:

645H.350 1. ~~[All]~~ *Except as otherwise provided in subsection ~~[6,]~~ 2, all administrative fines,* fees *, penalties* and ~~[administrative fines,]~~ *other charges* received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the ~~[State General Fund.]~~ *Account for ~~[the]~~ Real Estate Administration ~~[of Chapter 645H of NRS, which is hereby]~~ created ~~[in the State General Fund. The Administrator shall administer the Account.]~~ by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.*

2. ~~[Money for *The interest and income earned on money in* the support of *Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.*~~

~~*3. Except as otherwise provided in subsection 4, the money in the Account must be used to defray the costs and expenses incurred by* the Division in carrying out the provisions of this chapter *.*~~

~~*4. All money collected from the technology fees imposed pursuant to NRS 645H.530, 645H.540 and 645H.560 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.*~~

~~*5. All claims against the Account must* be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.~~

~~*6.]* The Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.*

Sec. 12. NRS 645H.530 is hereby amended to read as follows:

645H.530 1. A person in this State who is employed or independently contracted as an asset manager by an asset management company shall apply to the Division for a permit to engage in asset management and pay a fee of $75 for the issuance of the permit.

2. *In addition to the fee imposed by subsection 1, a person who applies to the Division for a permit to engage in asset management pursuant to subsection 1 must pay to the Division a technology fee of $15.*

3. An applicant for a permit must:

(a) At his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(2) Submit to the Division:

(I) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(II) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken by a law enforcement agency or other authorized entity and directly forwarded by electronic or other means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;

(b) Submit to the Division a signed statement attesting that the applicant has read and understands the provisions of NRS 645H.520 and 645H.680 to 645H.770, inclusive; and

(c) Comply with all other requirements established by the Division for the issuance of a permit.

~~[3.]~~ *4.* The Division may:

(a) Unless the applicant's fingerprints are forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection ~~[2,]~~ *3*, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 13. NRS 645H.540 is hereby amended to read as follows:

645H.540 *1.* A permit issued pursuant to NRS 645H.530 expires 1 year after the date of issuance, unless it is renewed. To renew the permit, the registrant must submit to the Division on or before the date of expiration:

~~[1.]~~ *(a)* An application for renewal;

~~[2.]~~ *(b)* A fee of $75; and

~~[3.]~~ *(c)* All information required to complete the renewal.

2. In addition to the fee imposed by subsection 1, a registrant who submits to the Division an application for renewal of a permit pursuant to subsection 1 must pay to the Division a technology fee of $15.

Sec. 14. NRS 645H.560 is hereby amended to read as follows:

645H.560 1. A person must pay the following fees for the issuance or renewal of a certificate of registration as an asset management company:

(a) For the issuance of a certificate of registration, an application fee of $2,000 for the principal office and a fee of $500 for the issuance of the initial certificate of registration.

(b) For the renewal of a certificate of registration, a fee of $500.

2. The following fees must be charged by and paid to the Division:

For each issuance of a duplicate registration or permit $50
For each change in the name or location of a business 20
For each change in the name or business address of a holder of a permit 20

3. In addition to the fees imposed by subsection 1, each applicant for the issuance or renewal of a certificate of registration as an asset management company must pay to the Division a technology fee of $15.

Sec. 15. ~~[NRS 116.620 is hereby amended to read as follows:~~

~~"116.620 1. Except as otherwise provided in this section and within the limits of [legislative appropriations and any other] money available for this purpose, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter. At least one person employed pursuant to this subsection or NRS 116B.810 must be a certified public accountant certified to practice in this State pursuant to the provisions of chapter 628 of NRS or have training, expertise and experience in performing audits.~~

~~2. The Attorney General shall designate one of his or her deputies to act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter. The deputy attorney general so designated must have legal experience and expertise in cases involving fraud or fiscal malfeasance.~~

~~3. The deputy attorney general designated pursuant to subsection 2 shall:~~

~~(a) Render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the deputy attorney general by the Commission or the Division.~~

~~(b) Assist the Ombudsman in performing his or her duties to assist in the resolution of affidavits filed pursuant to NRS 116.760 and to prepare reports required pursuant to NRS 116.765.]~~ (Deleted by amendment.)

Sec. 16. ~~[NRS 116.630 is hereby amended to read as follows:~~

~~"116.630 1. [There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.~~

~~2.] Except as otherwise provided in subsection [3,] 5, all [money] *administrative fines, fees, penalties and other charges* received by the Commission, a hearing panel or the Division pursuant to this chapter , or [chapter] *chapters 116A or* 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited [into] *with the State Treasurer for credit to* the Account [.] *for the Administration of Chapters 116, 116A and 116B of NRS, which is hereby*~~

~~*created in the State General Fund. The Administrator shall administer the Account.*~~

~~*2. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.*~~

~~3. [If] *The money in* the [Commission imposes a fine or penalty,] *Account must be used to defray* the *costs and expenses incurred by the Division in carrying out the provisions of this chapter and chapters 116A and 116B of NRS.*~~

~~*4. All claims made against the Account must be paid as other claims against the State are paid.*~~

~~*5. The* Commission *and the Division* shall deposit [the] *any* money collected from the imposition of [the] *any administrative* fine or penalty *pursuant to this chapter, chapter 116A or 116B of NRS* with the State Treasurer for credit to the State General Fund. [If the money is so deposited, the] *The Commission or Division* may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

~~[4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.~~

~~5. The money in the Account must be used solely to defray:~~

~~(a) The costs and expenses of the Commission and the Office of the Ombudsman;~~

~~(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation, arbitration and a program conducted pursuant to NRS 38.300 to 38.360, inclusive; and~~

~~(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.]~~ (Deleted by amendment.)

Sec. 17. ~~[NRS 116A.210 is hereby amended to read as follows:~~

~~116A.210 1. Except as otherwise provided in this section and within the limits of [legislative appropriations and any other] money available for this purpose, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter. 2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter.~~

~~3. The Attorney General shall render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the Attorney General by the Commission or the Division.]~~ (Deleted by amendment.)

Sec. 18. ~~[NRS 116B.810 is hereby amended to read as follows:~~

~~116B.810 1. Except as otherwise provided in this section and within the limits of [legislative appropriations and any other] money available for this purpose, the Division may employ experts, attorneys, investigators, consultants and other personnel as are necessary to carry out the provisions of this chapter. At least one person employed pursuant to this subsection or NRS 116.620 must be a certified public accountant certified to practice in this State pursuant to the provisions of chapter 628 of NRS or have training, expertise and experience in performing audits.~~

~~2. The Attorney General shall designate one of his or her deputies to act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to the provisions of this chapter. The deputy attorney general so designated must have legal experience and expertise in cases involving fraud or fiscal malfeasance.~~

~~3. The deputy attorney general designated pursuant to subsection 2 shall:~~

~~(a) Render to the Commission and the Division opinions upon all questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, that may be submitted to the deputy attorney general by the Commission or the Division.~~

~~(b) Assist the Ombudsman in performing his or her duties to assist in the resolution of affidavits filed pursuant to NRS 116B.885 and to prepare reports required pursuant to NRS 116B.890.]~~ (Deleted by amendment.)

Sec. 19. NRS 119.118 is hereby amended to read as follows:

119.118 *1.* Except as otherwise provided in ~~[paragraph (b) of]~~ subsection ~~[1 of 5]~~ *2 and* NRS ~~[119.320,]~~ *119.150,* all *administrative fines,* fees , *penalties* and *other* charges received by the Division ~~[shall]~~ *pursuant to this chapter must* be deposited ~~[in]~~ *with the State Treasurer for credit to* the ~~[General Fund in the State Treasury. Funds for the support of the Division shall be provided by direct legislative appropriation, and shall]~~ *Account for ~~[the]~~ Real Estate Administration ~~[of Chapter 119 of NRS, which is hereby]~~ created ~~[in the State General Fund. The Administrator shall administer the Account.]~~ by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.*

2. ~~[The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.~~

~~3. The money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.~~

~~4. All claims against the Account must~~ be paid out on claims as other claims against the State are paid.

~~5.]~~ The Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State

Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

Sec. 20. NRS 119.320 is hereby amended to read as follows:

119.320 1. Subject to the provisions of this chapter, the Division shall collect the following fees at such times and upon such conditions as it may provide by regulation:

~~[(a) For deposit in the State General Fund:]~~

For each annual registered representative's license to represent a developer $85
For each transfer of a registered representative's license to represent a developer 30
For each penalty for a late renewal of a registered representative's license 40
For each developer's permit per subdivision 500
For each developer's temporary permit for each subdivision 275
For each renewal of a developer's permit 500
For each developer's partial registration pursuant to NRS 119.121 275

The $500 fee for a developer's permit per subdivision does not apply to any subdivision having 34 or fewer lots, parcels, interests or units.

~~[(b) For deposit for use by the Division in carrying out the provisions of this chapter:]~~

For each application for a developer's request for an exemption from any provision of this chapter $500
For each application for renewal of an exemption from any provision of this chapter 500
For each penalty for a late renewal of a developer's permit 125
For each amendment to a developer's permit 300
For each penalty for the untimely filing of an amendment to a developer's permit 125
For each filing of a Project Registration Form 649 - Statement of Project Broker 25
For each project request for processing within 5 days after a complete filing is made 1,000

2. At the time of the original filing, each developer shall pay an additional $5 for each lot, parcel, interest or unit in any one subdivision in excess of 50, but not exceeding 250 such lots, parcels, interests or units; $4 for 251 through 500 lots, parcels, interests or units in any one subdivision; $3 for 501 through 750 lots, parcels, interests or units in any one subdivision; and $2.50 for all lots, parcels, interests or units in excess of 750 in any one subdivision. The developer may designate lots, parcels, interests or units it intends to offer for sale or lease in this state out of the subdivision, and the fee per lot, parcel, interest or unit is only applicable to those lots, parcels, interests or units. The

units must be designated in groupings of no less than 5 contiguous units in each group, except that the Division may accept fewer upon request of the developer. If the developer determines to offer additional lots, parcels, interests or units, it shall so certify to the Division and pay the additional fee therefor.

3. With the exception of the fees for a registered representative's license or transfer, the fees enumerated in this section must be reduced by the Administrator at such times as, in his or her judgment, the Administrator considers a reduction equitable in relation to the necessary costs of carrying out the administration and enforcement of the provisions of this chapter.

Sec. 21. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection ~~[6]~~ 2 and NRS 119A.350, all administrative fines, fees, penalties and other charges received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the Account for ~~[the]~~ Real Estate Administration ~~[of Chapter 119A of NRS, which is hereby]~~ created ~~[in the State General Fund. The Administrator shall administer the Account.]~~ by section 1 of this act and accounted for separately to provide the money authorized for expenditure by the Division to carry out the provisions of this chapter.

2. ~~[The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of the 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.~~

~~3. Except as otherwise provided in subsection 4, the money in the Account must be used to defray the costs and expenses incurred by the Division in carrying out the provisions of this chapter.~~

~~4. All money collected from the technology fee imposed pursuant to NRS 119A.360 must be accounted for separately in the Account and used only to acquire technology for or improve the technology used by the Division to administer the provisions of this chapter, including, without limitation, costs related to acquiring or improving technology, purchasing hardware and software, maintaining the technology and contracting for professional services related to the technology.~~

~~5. All claims against the Account must be paid as other claims against the State are paid.~~

~~6.]~~ The Division shall deposit any money collected from the imposition of any administrative fine or penalty pursuant to this chapter with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

Sec. 22. NRS 119A.360 is hereby amended to read as follows:

119A.360 1. The Division shall collect the following fees at the time of filing:

For each application for the registration of a representative $100
For each renewal of the registration of a representative..... 100
For each transfer of the registration of a representative to a different developer..... 25
For each penalty for a late renewal of the registration of a representative..... 75
For each preliminary permit to sell time shares 400
For each initial permit to sell time shares 1,500
For each amendment to a statement of record after the issuance of the permit to sell time shares, where no new component sites are added..... 200
For each amendment to a statement of record after the issuance of the permit to sell time shares, where one or more new component sites are added, not including the addition of units to a component site previously permitted..... 500
For each annual renewal of a permit to sell time shares with only one component site 750
For each annual renewal of a permit to sell time shares with more than one component site 1,500
For each initial registration of a time-share resale broker 300
For each renewal of the registration of a time-share resale broker..... 150
For each original and annual registration of a manager 100
For each application for an original license as a sales agent 200
For each renewal of a license as a sales agent 200
For each penalty for a late renewal of a license as a sales agent 100
For each registration of a time share exchange company 500
For each conversion to an abbreviated registration 7,500
For each change of name or address of a licensee or status of a license 25
For each duplicate license, permit or registration where the original is lost or destroyed, and an affidavit is made thereof 25
For each annual approval of a course of instruction offered in preparation for an original license or permit 150
For each original accreditation of a course of continuing education..... 150
For each renewal of accreditation of a course of continuing education 75

2. Within 10 days after receipt of written notification from the Administrator of the approval of the application for a permit to sell time shares

and before the issuance of the permit to sell time shares, or within 10 days after an amendment that adds time shares to the time-share plan is approved or deemed approved, each developer shall, for each time share that the developer includes in the initial time-share plan or adds to the time-share plan by amendment, pay a one-time fee of:

(a) For each such time share up to and including 1,499 time shares, $3.

(b) For each such time share over 1,499 time shares, $1.50.

➥ For the purposes of calculating the amount of the fee payable under this subsection, "time share" means the right to use and occupy a unit for 7 days or more per calendar year.

3. ~~[All]~~ *In addition to the* fees ~~[collected by]~~ *imposed by subsection 1, each applicant for the issuance or renewal of a license as a sales agent must pay to* the Division ~~[pursuant to this section must be deposited for use by the Division in carrying out the provisions of this chapter.]~~ *a technology fee of $15.*

4. Except for the fees relating to the registration of a representative ~~[,]~~ *and the technology fee imposed pursuant to subsection 3,* the Administrator may reduce the fees established by this section if the reduction is equitable in relation to the costs of carrying out the provisions of this chapter.

5. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 23. ~~[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.]~~ (Deleted by amendment.)

Sec. 24. NRS ~~[116A.220,]~~ 645C.610 and 645H.360 are hereby repealed.

Sec. 25. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 24, 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.

TEXT OF REPEALED SECTIONS

~~[116A.220 Deposit of money; payment of claims.~~

~~1. Except as otherwise provided in subsection 2, all money received by the Commission, a hearing panel or the Division pursuant to this chapter must be deposited into the Account for Common-Interest Communities and Condominium Hotels created pursuant to NRS 116.630.~~

~~2. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

~~3. Money for the support of the Commission and Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.]~~

645C.610 Deposit of money collected; claim for attorney's fees and costs of investigation. If the Commission imposes a fine or a penalty or the Division collects an amount for the registration of an appraisal management company, the Commission or Division, as applicable, shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.

645H.360 Disposition of money collected. If the Division imposes an administrative fine or collects a fee for registering an asset management company or issuing or renewing a permit to an asset manager, the Division shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 415 makes five changes to Senate Bill No. 282. The amendment first provides for the establishment of the Account for the Real Estate Administration within the State General Fund. Next, it deletes provisions regarding the requirement that money collected from the technology fee be separately accounted for and used for acquiring and maintaining technology used by the Real Estate Division of the Department of Business and Industry. It revises provisions regarding depositing money collected from the imposition of any fine or penalty to the State General Fund. It adds a new section to the bill to reduce from $300,000 to $100,000 the minimum balance maintained in the Real Estate Education, Research and Recovery Fund and provides that any balance over the minimum be deposited to the Account for Real Estate Administration. It deletes sections 15, 16, 17, 18 concerning the deposit and authorized use of certain money concerning common-interest communities and condominium hotels. It also amends section 24 to remove provisions, which would repeal provisions concerning the deposit of certain money to the Account for Common-Interest Communities and Condominium Hotels.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 285.

Bill read second time.

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

Amendment No. 476.

SUMMARY—Revises provisions relating to transportation. (BDR 43-965)

AN ACT relating to transportation; revising the contents of the instruction required to be provided by a school for training drivers; revising provisions relating to a driver's duty of due care owed to bicycles, electric bicycles and electric scooters; revising provisions governing the overtaking and passing of bicycles, electric bicycles and electric scooters by motor vehicles; ~~[providing that certain collisions with a person riding a bicycle, an electric bicycle or an electric scooter are prima facie evidence of a violation of certain prohibitions;]~~ revising provisions governing the Complete Streets Programs; revising provisions governing certain considerations of the Department of Transportation in the plans, designs, construction and maintenance of highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not operate a school for training drivers, or engage in the business of giving instruction for hire in driving motor vehicles or in the preparation for an applicant for an examination by the Department of Motor Vehicles for a driver's license, unless the person has obtained a license to operate a school for training drivers from the Department. (NRS 483.700) Existing law also requires each course provided by a school for training drivers to include instruction in: (1) motor vehicle insurance; and (2) the effect of drugs and alcohol on an operator of a motor vehicle. (NRS 483.725) Section 1 of this bill requires the course to also provide instruction on the rules of the road relating to pedestrians and persons riding bicycles, electric bicycles and electric scooters.

Existing law requires the driver of a motor vehicle to exercise due care when overtaking or passing a bicycle, an electric bicycle or an electric scooter and: (1) if there is more than one lane for traffic proceeding in the same direction, move to the lane to the immediate left, if the lane is available and reasonably safe; and (2) if there is only one lane for traffic proceeding in the same direction, pass on the left at a prescribed safe distance and not move to the right side of the highway until the vehicle is safely clear of the bicycle, electric bicycle or electric scooter. (NRS 484B.270) Section 2 of this bill provides that if there is only one lane for traffic proceeding in the same direction, the driver , if it is safe, may pass at the prescribed safe distance to the left of the center of the highway, even in a no-passing zone, unless limited or prohibited by certain other restrictions or prohibitions on overtaking on the left side . ~~[or unless it is otherwise unsafe because of traffic traveling in the opposite direction. Section 2 also provides that the collision of a motor vehicle with a person riding a bicycle, an electric bicycle or an electric scooter is prima facie evidence of a violation of NRS 484B.270.]~~

Under existing law, persons riding bicycles, electric bicycles and electric scooters are subject to certain duties and responsibilities when operating on the roadways of this State. (NRS 484B.760-484B.785) Existing law requires every person operating a bicycle, an electric bicycle or an electric scooter upon a roadway to ride as near to the right of the roadway as practicable except: (1) when traveling at a lawful rate of speed commensurate with the speed of any nearby traffic; (2) when preparing to turn left; or (3) when doing so would not be safe. (NRS 484B.777) Section 3 of this bill sets forth the conditions under which it is not safe to operate a bicycle, an electric bicycle or an electric scooter as near to the right of the roadway as practicable.

Under existing law, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and in which a regional transportation commission does not exist, the board of county commissioners may adopt a Complete Streets Program and plan and carry out projects as part of the Program. (NRS 244.2641-244.2645) In all counties with a regional transportation commission, existing law authorizes the regional transportation commission to adopt a Complete Streets Program and plan and carry out projects as part of the Program. (NRS 277A.285) A board of county highway commissioners may also adopt a policy for a Complete Streets Program and plan and carry out projects as part of the Program. (NRS 403.575) Sections 4-6 of this bill require, to the extent practicable, any projects of a Complete Streets Program to integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads. Sections 4-6 also expand the definition of "Complete Streets Program" to include various users of roads that are under the jurisdiction of the applicable Complete Streets Program.

Existing law requires the Department of Transportation to, in accordance with appropriate standards of design: (1) integrate the consideration of motor vehicle recovery lanes and bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of highways; and (2) to the extent practicable, integrate the consideration of periodic turnouts for slower vehicles in plans, designs, construction and maintenance of highways that have one lane for traveling in each direction. (NRS 408.321) Section 7 of this bill expands these requirements by including the consideration of users of roadways of all ages and abilities.

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

Section 1. NRS 483.725 is hereby amended to read as follows:

483.725 1. Except as otherwise provided in NRS 483.727, each course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

(c) Rules of the road relating to pedestrians and persons riding bicycles, electric bicycles and electric scooters.

2. If a course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, consists in whole or in part of classroom instruction, that part of the course which consists of classroom instruction may be taught interactively through the use of communications technology so that persons taking the course need not be physically present in a classroom.

3. The Department shall adopt regulations to carry out the provisions of subsection 2. The regulations must include, without limitation:

(a) Provisions for the licensing and operation of interactive courses that use communications technology;

(b) Provisions to ensure that interactive courses which use communications technology are secure, reliable and include measures for testing and security that are at least as secure as the measures for testing and security which would be available in an ordinary classroom; and

(c) Standards to ensure that interactive courses which use communications technology offer a curriculum that is at least as stringent as the curriculum which would be available in an ordinary classroom.

4. As used in this section, "communications technology" means any method or component, or both, that is used by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, to carry out or facilitate the transmission of information, including, without limitation, the transmission and reception of information by:

(a) Systems based on the following technologies:

(1) Video;

(2) Wire;

(3) Cable;

(4) Radio;

(5) Microwave;

(6) Light; or

(7) Optics; and

(b) Computer data networks, including, without limitation, the Internet or its successor, if any, and intranet services.

Sec. 2. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle, an electric bicycle or an electric scooter.

2. When overtaking or passing a bicycle, an electric bicycle or an electric scooter proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle, electric bicycle or electric scooter at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle, electric bicycle or electric scooter , and ~~*[unless it is unsafe because of traffic traveling in the opposite direction. The driver]*~~ shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle, electric bicycle or electric scooter. *Except as otherwise provided in NRS 484B.213 and 484B.217, when passing to the left of a bicycle, electric bicycle or electric scooter at a safe distance of not less than 3 feet between any portion of the vehicle and the bicycle, electric bicycle or electric scooter, this paragraph authorizes the driver , if it is safe, to pass:*

(1) To the left of the center of the highway.

(2) In a no-passing zone.

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle, an electric bicycle or an electric scooter or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles, electric bicycles or electric scooters except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles, electric bicycles or electric scooters.

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle, an electric bicycle or an electric scooter; and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, an electric bicycle or an electric scooter, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

7. ~~*[The collision of a motor vehicle with a person riding a bicycle, an electric bicycle or an electric scooter is prima facie evidence of a violation of this section.*~~

~~*8.]*~~ The operator of a bicycle, an electric bicycle or an electric scooter shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 3. NRS 484B.777 is hereby amended to read as follows:

484B.777 1. Every person operating a bicycle, an electric bicycle or an electric scooter upon a roadway shall, except:

(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;

(b) When preparing to turn left; or

(c) When doing so would not be safe,

➥ ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. For purposes of paragraph (c) of subsection 1, the conditions under which it is not safe to operate a bicycle, an electric bicycle or an electric scooter as near to the right side of the roadway as practicable include, without limitation:

(a) When fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards impede access to the right side of the roadway.

(b) When a lane is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

~~[2.]~~ *3.* Persons riding bicycles, electric bicycles or electric scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles and electric scooters.

Sec. 4. NRS 244.2643 is hereby amended to read as follows:

244.2643 1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets Program and may plan and carry out projects as a part of a Complete Streets Program. *To the extent practicable, the projects must integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads.*

2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of NRS 482.1825 must be used solely for the execution of projects as a part of a Complete Streets Program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets Fund created pursuant to NRS 244.2645 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets Program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users ~~[,]~~ *of all ages and abilities,* including, without limitation, pedestrians, bicycle riders, *movers of commercial goods,* persons with ~~[a disability, persons who use]~~ *disabilities, vehicles for* public transportation *and their passengers, older adults, children* and motorists. The term includes the operation of a public transit system as

part of a Complete Streets Program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. NRS 277A.285 is hereby amended to read as follows:

277A.285 1. A commission may adopt a policy for a Complete Streets Program and may plan and carry out projects as a part of a Complete Streets Program. *To the extent practicable, the projects must integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads.*

2. Any money received by a commission pursuant to paragraph (a) of subsection 1 of NRS 482.1825 must be used solely for the execution of projects as a part of a Complete Streets Program.

3. A commission must not cause or allow any portion of the Complete Streets Fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, "Complete Streets Program" means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users ~~[,]~~ *of all ages and abilities,* including, without limitation, pedestrians, bicycle riders, *movers of commercial goods,* persons with ~~[a disability, persons who use]~~ *disabilities, vehicles for* public transportation *and their passengers, older adults, children* and motorists. The term includes the operation of a public transit system as part of a Complete Streets Program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 6. NRS 403.575 is hereby amended to read as follows:

403.575 1. A board of county highway commissioners may adopt a policy for a Complete Streets Program and may plan and carry out projects as a part of a Complete Streets Program. *To the extent practicable, the projects must integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads.*

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of NRS 482.1825 must be used solely for the execution of projects as a part of a Complete Streets Program.

3. As used in this section, "Complete Streets Program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users ~~[,]~~ *of all ages and abilities,* including, without limitation, pedestrians, bicycle riders, *movers of commercial goods,* persons with ~~[a disability, persons who use]~~ *disabilities, vehicles for* public transportation *and their passengers, older adults, children* and motorists. The term includes the operation of a public transit system as part of a Complete Streets Program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 7. NRS 408.321 is hereby amended to read as follows:

408.321 The Department shall, in accordance with appropriate standards of design:

1. Integrate *the consideration of users of roadways of all ages and abilities, including, without limitation, pedestrians, riders of bicycles, electric bicycles and electric scooters, movers of commercial goods, persons with disabilities, vehicles for public transportation and their passengers, older adults, children and drivers of motor vehicles into all plans, designs, construction and maintenance of highways;*

2. To the extent practicable, integrate the consideration of ~~[motor vehicle recovery and]~~ bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of highways; and

~~[2.]~~ *3.* To the extent practicable, integrate the consideration of *motor vehicle recovery lanes and* periodic turnouts for slower vehicles into plans, designs, construction and maintenance of highways that have one lane for traveling in each direction.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 476 to Senate Bill No. 285 clarifies that the required three-foot passing distance between bikes and cars applies in all situations. It deletes the provision that would have made a collision between a bike and a motor vehicle *prima facie* evidence of a violation of the section.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 298.

Bill read second time.

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

Amendment No. 362.

SUMMARY—Revises provisions relating to inland ports. (BDR 22-536)

AN ACT relating to inland ports; revising provisions relating to the creation, maintenance and operation of inland ports and inland port authorities; requiring the Office of Economic Development within the Office of the Governor to conduct an interim study concerning the viability of and funding options associated with developing inland ports in certain areas in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Inland Port Authority Act governs the creation, operation and maintenance of an inland port and inland port authority. (Chapter 277B of NRS) An inland port is defined in existing law as an area located away from traditional borders but having direct access to highway, railway and air transport facilities and, if applicable, intermodal facilities. (NRS 277B.050)

In addition to requiring the inclusion of certain highway, railway and air transport facilities in the area in which an inland port is created, existing law

requires that the area be contiguous and prohibits the inclusion of residential property in the area. (NRS 277B.150) Section 6 of this bill removes the requirement of contiguity and the prohibition against the inclusion of residential property in the area.

Existing law authorizes, upon application to and approval by the Office of Economic Development within the Office of the Governor, the creation, operation and maintenance of an inland port and inland port authority by one or more boards of county commissioners of counties or one or more governing bodies of incorporated cities, or both. (NRS 277B.160) Section 7 of this bill expands the authorization to apply to create, operate and maintain an inland port and inland port authority to all governmental entities and to private entities, or a combination thereof. Section 13 of this bill makes a conforming change as a result of the expansion of the potential applicants. Section 7 of this bill also provides the authorization to approve applications to create, operate and maintain an inland port and inland port authority specifically to the Executive Director of the Office of Economic Development. Section 2 of this bill adds a definition as a result of the change in approval authority made in section 7. Section 3 of this bill also requires the Executive Director to adopt certain regulations concerning the creation, operation and maintenance of inland ports and inland port authorities,

Upon approval, existing law requires the creation of an inland port by ordinance and prescribes the contents of the ordinance. (NRS 277B.180) Section 8 of this bill additionally authorizes the creation of an inland port by resolution, rule, order or other means prescribed by regulations adopted by the Executive Director pursuant to section 3 and requires that those regulations prescribe the contents of those methods of creation [.] , with certain required elements.

Existing law requires an authority to be governed by a board of directors and prescribes its membership. (NRS 277B.200) Section 9 of this bill [removes specific requirements concerning the membership of a board and instead requires the appointment of the members of the board of directors of the inland port authority to be made in accordance with regulations adopted by the Executive Director pursuant to section 3. Section 9 also: (1)] requires a board to adopt a code of bylaws for the governance and management of the authority . [; and (2) with certain exceptions, provides that meetings of a board are not subject to the Open Meeting Law. Section 15 of this bill makes a conforming change related to the exemption of the meetings of a board from the Open Meeting Law.]

Existing law sets forth powers and duties of an inland port authority. (NRS 277B.300-277B.390) Sections [10-12] 10 and 12 of this bill revise these powers and duties by: (1) specifically authorizing an inland port authority to enter into an agreement with a regional development authority; and (2) [requiring a board of an inland port authority to approve certain agreements at a public meeting held in compliance with the Open Meeting Law; and (3)] requiring an inland port authority to submit to an annual report to the Executive

Director. Section 14 of this bill requires the Executive Director to perform any duties prescribed ~~[pursuant to chapter 277B of NRS.]~~ by law relating to inland ports and inland port authorities. Section 16 of this bill removes certain provisions of existing law to address changes made by sections 7, 8 and 9.

Section 15.5 of this bill requires the Office of Economic Development to conduct a study during the 2021-2022 interim concerning the viability of and funding options associated with developing inland ports in each megapolitan area identified in Nevada's Plan for Recovery and Resilience (SRI International, at page 26 (December 2020)), which was prepared for the Office, and report the results of such a study 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 277B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Executive Director" means the Executive Director of the Office.*

Sec. 3. *1. The Executive Director shall adopt regulations:*

(a) Prescribing the criteria for eligibility to create, operate and maintain an inland port and authority. Such criteria must include, without limitation, a requirement that, if the boundaries of an inland port include a municipally owned airport as described in paragraph (a) of subsection 1 of NRS 277B.150, the municipality that owns and operates the airport must be included in the application to create, operate and maintain the inland port and authority submitted pursuant to NRS 277B.160.

(b) Prescribing the required contents of an application and the procedure for applying to create, operate and maintain an inland port and authority pursuant to NRS 277B.160.

(c) Prescribing the manner in which an inland port and authority may be created, which must include, without limitation, creation by ordinance, resolution, rule or order . ~~[, and]~~

(d) Prescribing the required contents ~~[thereof.~~

~~(d) Prescribing requirements regarding the composition and appointment of a board, which must, without limitation, prohibit an elected official of any governmental entity from serving as a member of a board.]~~ of an ordinance, resolution, rule, order or other means authorized to create an inland port and authority, which must include, without limitation:

(1) A description of the boundaries of the inland port;

(2) The location of the principal office of the authority;

(3) The name of the inland port and authority; and

(4) The number of directors who will compose the board.

(e) Prescribing requirements for the operation of an inland port and authority.

(f) Prescribing the powers an authority may exercise, which must include, without limitation, the powers and limitations prescribed by NRS 277B.300 to 277B.390, inclusive.

(g) Prescribing the conditions for revocation of approval to create, operate and maintain an inland port and authority.

(h) To ensure compliance with any applicable federal law governing inland ports.

2. The Executive Director may adopt such other regulations as he or she determines to be necessary or advisable to carry out the provisions of this chapter.

Sec. 4. NRS 277B.020 is hereby amended to read as follows:

277B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 277B.030 to ~~[277B.070,]~~ *277B.060*, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 277B.030 is hereby amended to read as follows:

277B.030 "Authority" means an inland port authority created pursuant to ~~[this chapter.]~~ *NRS 277B.180*.

Sec. 6. NRS 277B.150 is hereby amended to read as follows:

277B.150 1. ~~[Subject to the requirements set forth in NRS 277B.150 to 277B.180, inclusive, an]~~ *An* inland port may be created only in ~~[a contiguous]~~ *an* area that ~~[:~~

~~(a) Includes]~~ *includes* at least two of the following:

~~[(1)]~~ *(a)* A municipally owned airport with a runway of at least 4,500 feet.

~~[(2)]~~ *(b)* A portion of a highway that is part of the National Highway System.

~~[(3)]~~ *(c)* Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

~~[(b) Does not include any residential property.]~~

2. ~~[All areas within the boundaries of an inland port must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Office pursuant to NRS 277B.160 for the creation of the inland port.~~

~~3. If the]~~ *The* boundaries of an inland port ~~[will include a municipally owned airport as described in subparagraph (1) of paragraph (a) of subsection 1:~~

~~(a) The municipality that owns and operates the airport must be a participating entity; or~~

~~(b) If the municipality that owns and operates the airport is not a participating entity, the municipality, by ordinance, must approve of the inclusion of the airport within the boundaries of the inland port.]~~ *may:*

(a) Be non-contiguous.

(b) Include residential property.

Sec. 7. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more ~~[participating]~~ *persons or governmental* entities *, or a combination thereof,* may apply to the ~~[Office]~~ *Executive Director* to create, operate and maintain an inland port and authority.

2. ~~[A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.~~

~~3.]~~ The ~~[Office]~~ *Executive Director* may approve the creation of an inland port and authority if ~~[the Office]~~ *:*

(a) The boundaries of the inland port comply with the requirements prescribed by NRS 277B.150;

(b) The applicant meets the eligibility criteria prescribed by the regulations adopted pursuant to section 3 of this act; and

(c) The Executive Director determines that the ~~[proposed]~~ *creation of the* inland port and authority ~~[will]~~ *:*

(1) Is consistent with the State Plan for Economic Development developed pursuant to NRS 231.053; and

(2) Will serve the economic interests of this State.

3. The Executive Director may consult with state and local agencies in determining whether to approve the creation of an inland port and authority.

Sec. 8. NRS 277B.180 is hereby amended to read as follows:

277B.180 If ~~[a participating entity]~~ *an applicant* obtains approval of the ~~[Office]~~ *Executive Director* for the creation of an inland port and authority pursuant to NRS 277B.160, the ~~[participating entity]~~ *applicant* shall create the inland port and authority by ordinance ~~[. The ordinance must include, without limitation:~~

~~1. A description of the boundaries of the inland port;~~

~~2. The location of the principal office of the authority;~~

~~3. The name of the inland port and authority; and~~

~~4. The number of directors who will compose the board of the authority pursuant to NRS 277B.200.]~~ *, resolution, rule, order or other means prescribed by the regulations adopted pursuant to section 3 of this act.*

Sec. 9. NRS 277B.200 is hereby amended to read as follows:

277B.200 1. An authority must be governed by a board ~~*[.]*~~ of directors with an odd-numbered membership set by the ~~[participating entity or entities. If there is more than one participating entity, the membership of~~

~~*2. As soon as reasonably practicable after an authority is created pursuant to NRS 277B.180, the members of the board must be appointed in accordance with the requirements prescribed by the regulations adopted pursuant to section 3 of this act.*~~

~~*3. As soon as reasonably practicable after the members of a board have been appointed pursuant to subsection 2,* the board of directors must be agreed to by all of the participating entities.]~~ *applicant that created the inland port and authority pursuant to NRS 277B.180.* The board of directors must be composed of:

(a) One director appointed by each county ~~[that is a participating entity, if any;]~~ *within the boundaries of the inland port;*

(b) One director appointed by each city ~~[that is a participating entity,]~~ *within the boundaries of the inland port*, if any;

(c) If ~~[the authority includes]~~ a municipally owned airport described in ~~[subparagraph (1) of]~~ paragraph (a) of subsection 1 of NRS 277B.150, *is within the boundaries of the inland port*, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

(d) Any other directors appointed in accordance with this section and as provided in ~~[an]~~ *the* ordinance ~~[adopted by a participating entity pursuant to NRS 277B.180.]~~ *, resolution, rule, order or other means used to create the inland port and authority.*

2. A director must reside within the boundaries of the ~~[participating entity that appoints him or her.~~ *inland port and authority governed by the board*.

3. ~~[The following persons are not eligible to be appointed to a board:~~

~~(a)]~~ An elected official of any governmental entity ~~[.~~

~~(b) An employee of a participating entity.]~~ *is not eligible to be appointed to a board.*

4. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

5. A vacancy occurring during the term of a director must be filled by the appointing ~~[participating entity]~~ *authority* for the unexpired term as soon as is reasonably practicable.

6. As soon as reasonably practicable after the directors have been appointed pursuant to subsection 1, the board shall adopt a code of bylaws for the governance and management of the authority.

~~*[4. Except as otherwise provided in NRS 277B.320, the meetings of a board are not subject to the provisions of chapter 241 of NRS.]*~~

Sec. 10. NRS 277B.310 is hereby amended to read as follows:

277B.310 *1.* An authority may enter into an agreement with any person ~~[,]~~ *or governmental entity*, including, without limitation, the United States or ~~[any other governmental entity,]~~ *a regional development authority*, for any purpose of the authority.

2. As used in this section, "regional development authority" has the meaning ascribed to it in NRS 231.009.

Sec. 11. ~~[NRS 277B.320 is hereby amended to read as follows:~~

~~277B.320 1. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of~~

~~franchises, concessions, licenses or permits. *Any such agreement must be approved by the board at a public meeting held in compliance with the provisions of chapter 241 of NRS concerning open meetings.*~~

~~2. Except as otherwise provided in subsections 3, 4 and 5, with the consent of any county, city or other governmental entity, an authority may:~~

~~(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and~~

~~(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:~~

~~(1) A street, alley, highway, road or railroad;~~

~~(2) Electric lines and facilities;~~

~~(3) Telegraph and telephone properties and facilities;~~

~~(4) Pipelines and facilities;~~

~~(5) Conduits and facilities; and~~

~~(6) Other property,~~

~~as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port.~~

~~3. An authority may not alter:~~

~~(a) A highway that is part of the state highway system without the consent of the Department of Transportation.~~

~~(b) A railroad without the consent of the railroad company.~~

~~(c) A municipally owned airport.~~

~~4. If an inland port includes a municipally owned airport:~~

~~(a) An authority may not interfere with or exercise any control over commercial air transportation operations or airlines that operate at the airport; and~~

~~(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.~~

~~5. Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.]~~ (Deleted by amendment.)

Sec. 12. NRS 277B.360 is hereby amended to read as follows:

277B.360 ~~[At the request of the Office, an]~~ *An* authority shall *:*

1. Annually prepare and submit to the Executive Director a report regarding the operations and activities of the inland port and authority.

2. At the request of the Executive Director, report to the ~~[Office]~~ *Executive Director* on all issues and activities necessary for the administration of the authority.

Sec. 13. NRS 277B.380 is hereby amended to read as follows:

277B.380 An authority may not provide retail utility services or duplicate a service or facility of ~~[another]~~ *a* governmental entity.

Sec. 14. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which:

(a) Must include a statement of:

(1) New industries which have the potential to be developed in this State;

(2) The strengths and weaknesses of this State for business incubation;

(3) The competitive advantages and weaknesses of this State;

(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and

(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. *Shall perform any duties prescribed in chapter 277B of NRS.*

7. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

~~[7.]~~ *8.* May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

~~[8.]~~ *9.* In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan

for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 15. ~~[NRS 241.016 is hereby amended to read as follows:~~

~~"241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.~~

~~2. The following are exempt from the requirements of this chapter:~~

~~(a) The Legislature of the State of Nevada.~~

~~(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.~~

~~(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.~~

~~3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 277B.200, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:~~

~~(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or~~

~~(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,~~

~~→ prevails over the general provisions of this chapter.~~

~~4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.~~] (Deleted by amendment.)

Sec. 15.5. The Office of Economic Development within the Office of the Governor shall conduct a study during the 2021-2022 interim concerning the viability of and funding options associated with developing inland ports in each megapolitan area identified in Nevada's Plan for Recovery and Resilience (SRI International, at page 26 (December 2020)), which was prepared for the Office, and report the results of such a study to the 82nd Session of the Nevada Legislature.

Sec. 16. NRS 277B.070, 277B.170, 277B.190 ~~[,]~~ and 277B.210 ~~[and 277B.220]~~ are hereby repealed.

Sec. 17. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 16, 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 October 1, 2021, for all other purposes.

LEADLINES OF REPEALED SECTIONS

277B.070 "Participating entity" defined.

277B.170 Creation: Public hearings after approval; notice.

277B.190 Withdrawal; dissolution.

277B.210 Officers; per diem and travel expenses.

~~[277B.220 Meetings: Quorum; compliance with Open Meeting Law.]~~

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 362 to Senate Bill No. 298 adds a requirement that the criteria for eligibility to create an inland port and authority must include a requirement that if the boundaries of an inland port include a municipally owned airport, the municipality that owns and operates the airport must be included in the application to create, operate and maintain the inland port and authority. It sets forth certain required contents of an ordinance, resolution, rule, order or other means authorized to create an inland port and authority. It makes certain changes to the appointment of members to the board of directors of the inland port authority.

The amendment deletes sections 11 and 15 of the bill, and it adds section 15.5 to require the Office of Economic Development within the Office of the Governor to conduct a study during the 2021-2022 Interim concerning the viability and funding options associated with developing inland ports in certain megapolitan areas and report the results of the study to the 82nd Session of the Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 305.

Bill read second time.

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

Amendment No. 469.

SUMMARY—Makes various changes relating to access to organ transplants for persons with disabilities. (BDR 40-40)

AN ACT relating to health care; prohibiting certain providers of medical or related services from taking certain actions relating to organ transplants solely on the basis of a person's disability; limiting the extent to which such a provider is authorized to consider a person's disability when making recommendations or decisions concerning an organ transplant; requiring such a provider to take certain actions to provide a person with a disability access to any service provided by the provider related to an organ transplant; authorizing a person aggrieved by the failure of such a provider to comply with certain requirements to institute a civil action for injunctive or other appropriate relief; prohibiting an insurer from taking certain actions related to an organ transplant because the insured is a person with a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits discrimination on the basis of a disability in places of public accommodation. Existing federal law defines "public accommodation" to include certain private entities, including a professional office of a health care provider, hospital or other service establishment. (42 U.S.C. §§ 12101 et seq.) Existing state law similarly: (1) declares as its public policy the right of all people to have access to places of public accommodation without discrimination, distinction or restriction because of disability; and (2) makes it unlawful for places of public accommodation to discriminate against a person based on disability. (NRS 233.010, ~~[651.050)]~~ 651.050, 651.070) In alignment with federal law, existing state law defines "public accommodation" to include any office of a provider of health care, hospital or other service establishment. (NRS 651.050)

Section 1 of this bill defines a "provider of medical or related services" to mean a provider of health care, a medical facility, a facility for the dependent, the Department of Corrections, a city or county jail or any person who provides medical services to a person incarcerated in a prison or a city or county jail. Section 1: (1) prohibits a provider of medical or related services from taking certain actions relating to organ transplants solely on the basis of a person's disability; and (2) limits the extent to which a provider of medical or related services is authorized to consider a person's disability when making recommendations or decisions concerning an organ transplant. Section 1 also requires a provider of medical or related services to take certain actions to provide a person with a disability access to any service provided by the provider related to an organ transplant. Finally, section 1 authorizes a person aggrieved by the failure of a provider of medical or related services to comply with those requirements to institute a civil action for injunctive or other appropriate relief to prohibit and prevent the violation. Section 1 requires a court to give priority to such an action. Section 2 of this bill makes a conforming change to indicate the placement of section 1 in Nevada Revised Statutes.

The federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148, as amended) prohibits an insurer from establishing rules that limit eligibility for a health care plan based on certain health status factors, including, without limitation, preexisting conditions, claims history or genetic information of the insured and also prohibits an insurer from charging a higher premium, deductible or copay based on those health status factors. (42 U.S.C. § 300gg-4) Existing state law similarly prohibits an insurer from denying, limiting or excluding a covered benefit or requiring an insured to pay a higher premium, deductible, coinsurance or copay based on the health status of the insured or the covered spouse or dependent of the insured. (NRS 287.010, 287.04335, 689A.032, 689B.500, 689C.190, 695A.232, 695B.183, 695C.050, 695C.1701, 695F.151, 695G.155) Sections 4-7, 9, 10, 12-14 and 17 of this bill prohibit Medicaid and all other health insurers from: (1) denying, limiting or seeking reimbursement from an insured for care related to an organ transplant

because the insured is a person with a disability; (2) denying a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing the required coverage; (3) reducing or limiting the reimbursement or otherwise penalizing a provider of medical or related services because the provider acted in accordance with section 1; or (4) providing monetary or nonmonetary incentives for a provider of medical or related services to induce the provider to provide care in a manner inconsistent with the requirements of section 1. Sections 3, 8, 11, 15 and 16 make conforming changes to implement these requirements.

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

Section 1. Chapter 460 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of medical or related services shall not, solely on the basis of a person's disability:

(a) Determine that the person is ineligible to receive an anatomical gift;

(b) Refuse to perform any medical service or other service related to an organ transplant, including, without limitation:

(1) Referral to an organ transplant center;

(2) Diagnostic tests;

(3) Evaluation of eligibility for an organ transplant;

(4) Surgery; and

(5) Other services required for the care of a transplant patient;

(c) Refuse to place the person on a waiting list for an organ transplant if the person is otherwise a suitable candidate for a transplant; or

(d) Place the person on a waiting list for an organ transplant in a lower priority position than the position at which the person would have been placed if the person did not have a disability.

2. A provider of medical or related services may consider a person's disability when making recommendations or decisions concerning an organ transplant only to the extent that the disability has been found by a physician to be medically relevant to the organ transplant. In making such a determination, a physician shall not consider the inability of the person with a disability to independently comply with the directions of a physician regarding postoperative care to be medically relevant to the organ transplant if, in the opinion of the physician, the person will be able to comply with such directions with the assistance of a person who can reasonably be expected to support or provide service to the person with a disability.

3. Except as otherwise provided in subsection 4, a provider of medical or related services shall:

(a) Make reasonable modifications to any policy, procedure or practice necessary to provide a person with a disability access to any medical service or other service provided by the provider of medical or related services that is related to an organ transplant.

(b) Take any steps necessary to ensure that a person with a disability is not denied any medical service or other service provided by the provider of medical or related services that is related to an organ transplant due to the absence of auxiliary aids or services.

(c) Communicate with a supporter named in a supported decision-making agreement pursuant to chapter 162C of NRS to assist the supporter in providing assistance to a person with a disability to gather and access information, make informed decisions and communicate decisions.

4. A provider of medical or related services is not required to comply with the requirements of:

(a) Paragraph (a) of subsection 3 if the provider of medical or related services determines that making such modifications would fundamentally alter a service.

(b) Paragraph (b) or (c) of subsection 3 if the provider of medical or related services determines that performing such actions would fundamentally alter a service or cause an undue hardship on the provider of medical or other related services.

5. Nothing in this section shall be deemed to require a provider of medical or related services to perform any medical service or other service related to an organ transplant, including, without limitation, making any referral or recommendation, that the provider of medical or related services determines is medically inappropriate.

6. A person aggrieved by a violation of this section may institute a civil action in a court of competent jurisdiction for injunctive or any other appropriate relief to prohibit and prevent the violation. A court shall give priority over other civil actions to an action brought pursuant to this subsection.

7. An injunction issued pursuant to subsection 6 does not abrogate and is in addition to any other remedies and penalties that may exist at law or in equity.

8. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Auxiliary aids or services" means an aid or service that is used to ensure effective communication with a person with a disability, including, without limitation:

(1) Qualified interpreters or other effective methods of making aurally delivered information available to a person who is deaf or hard of hearing; and

(2) Qualified readers, taped texts, accessible electronic and information technology or other effective methods of making visually delivered materials available to a person who is blind.

(c) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(d) "Facility for the dependent" has the meaning ascribed to it in NRS 449.0045.

(e) "Fundamentally alter" means to change so significantly as to alter the essential nature of the services.

(f) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(g) "Person who is blind" has the meaning ascribed to it in NRS 426.082.

(h) "Person who is deaf" has the meaning ascribed to it in NRS 426.084.

(i) "Physician" means a physician licensed pursuant to chapter 630 or 633 of NRS.

(j) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(k) "Provider of medical or related services" means a provider of health care, a medical facility, a facility for the dependent, the Department of Corrections, a city or county jail or any person who provides medical services to a person incarcerated in a prison or a city or county jail.

(l) "Supporter" has the meaning ascribed to it in NRS 162C.090.

Sec. 2. NRS 460.100 is hereby amended to read as follows:

460.100 As used in NRS 460.100 to 460.150, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 460.110, 460.133 and 460.139 have the meanings ascribed to them in those sections.

Sec. 3. 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 6 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. 4. 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 9 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. 5. 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 section 17 of this act* 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. 6. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[Director]~~ Administrator shall include in the ~~[State Plan for Medicaid]~~ regulations adopted pursuant to NRS 422.2368 a provision prohibiting the State from:

(a) Denying, limiting or seeking reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Denying a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reducing or limiting the reimbursement of or otherwise penalizing a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Providing monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(b) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 7. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 8. 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 7 of this act.*

Sec. 9. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 10. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 11. 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, to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive ~~[.]~~ *, and section 10 of this act.*

Sec. 12. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 13. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 14. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an enrollee for care related to an organ transplant because the enrollee is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an enrollee in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 15. 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 section 14 of this act* 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 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. 16. 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 14 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. 17. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan that includes coverage for anatomical gifts, organ transplants or treatments or services related to an organ transplant shall not:

(a) Deny, limit or seek reimbursement from an insured for care related to an organ transplant because the insured is a person with a disability;

(b) Deny a person with a disability eligibility or continued eligibility to enroll or renew coverage to avoid providing coverage in accordance with this section;

(c) Reduce or limit the reimbursement of or otherwise penalize a provider of medical or related services because the provider of medical or related services acted in accordance with section 1 of this act; or

(d) Provide monetary or nonmonetary incentives for a provider of medical or related services to induce the provider of medical or related services to provide care to an insured in a manner inconsistent with section 1 of this act.

2. As used in this section:

(a) "Anatomical gift" has the meaning ascribed to it in NRS 451.513.

(b) "Disability" has the meaning ascribed to it in 42 U.S.C. § 12102(1).

(c) "Provider of medical or related services" has the meaning ascribed to it in section 1 of this act.

Sec. 18. 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 Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 469 to Senate Bill No. 305 replaces the reference to the State Plan for Medicaid with "regulations adopted pursuant to NRS 422.2368."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 325.

Bill read second time.

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

Amendment No. 282.

SUMMARY—Establishes provisions relating to preventing the acquisition of human immunodeficiency virus. (BDR 54-632)

AN ACT relating to health care; requiring the State Board of Pharmacy to prescribe a protocol authorizing a pharmacist to prescribe and dispense drugs to prevent the acquisition of human immunodeficiency virus and perform

certain laboratory tests; requiring certain health plans to include coverage for such drugs and testing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term "practice of pharmacy" for the purpose of determining which activities require a person to be registered and regulated by the State Board of Pharmacy as a pharmacist. (NRS 639.0124) Section 1 of this bill requires the State Board of Pharmacy to prescribe a protocol to allow a pharmacist to: (1) order any laboratory test necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; (2) conduct such tests as necessary for such therapy; and (3) prescribe and dispense such drugs without a prescription from a practitioner. Section 1 authorizes a pharmacist who is covered by sufficient liability coverage, as defined by regulations adopted by the Board, to take the actions authorized by the protocol. Section 2 of this bill provides that the practice of pharmacy includes actions authorized by the protocol. Section 8.5 of this bill makes a conforming change to account for the provisions of section 1 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner. The Board would be authorized to suspend or revoke the registration of a pharmacist who orders or conducts a laboratory test or prescribes or dispenses drugs under the protocol issued pursuant to section 1 without complying with the provisions of the protocol. (NRS 639.210)

Sections 4-7, 10, 12, 13, 15-17 and 20 of this bill require public and private health plans, including Medicaid and health plans for state and local government employees, to: (1) provide coverage for drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures; and (2) reimburse laboratory testing, prescribing and dispensing by a pharmacist in accordance with section 1 at a rate equal to that provided to a physician, physician assistant or advanced practice registered nurse for similar services. Sections 4, 5, 8-10, 12, 13, 15-17 and 20 of this bill prohibit such a health plan from requiring prior authorization or step therapy. Sections 3, 11 and 14 of this bill make conforming changes to indicate the placement of sections 6, 10 and 13, respectively, of this bill in the Nevada Revised Statutes. Section 19 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 17 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 10, 12, 13, 15, 16 and 20 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 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, a pharmacist who meets the requirements prescribed by the Board pursuant to subsection 2 may, in

accordance with the requirements of the protocol prescribed pursuant to subsection 2:

(a) Order and perform laboratory tests that are necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

(b) Prescribe and dispense any drug described in paragraph (a) to a patient.

2. The Board shall adopt regulations:

(a) Requiring a pharmacist who takes the actions authorized by this section to be covered by adequate liability insurance, as determined by the Board; and

(b) Establishing a protocol for the actions authorized by this section.

Sec. 2. NRS 639.0124 is hereby amended to read as follows:

639.0124 *1.* "Practice of pharmacy" includes, but is not limited to, the:

~~[1.]~~ *(a)* Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

~~[2.]~~ *(b)* Interpretation and evaluation of prescriptions or orders for medicine.

~~[3.]~~ *(c)* Participation in drug evaluation and drug research.

~~[4.]~~ *(d)* Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

~~[5.]~~ *(e)* Selection of the source, storage and distribution of a drug.

~~[6.]~~ *(f)* Maintenance of proper documentation of the source, storage and distribution of a drug.

~~[7.]~~ *(g)* Interpretation of clinical data contained in a person's record of medication.

~~[8.]~~ *(h)* Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2629.

~~[9.]~~ *(i)* Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) Prescribing and dispensing of drugs for preventing the acquisition of human immunodeficiency virus and ordering and conducting laboratory tests necessary for therapy that uses such drugs pursuant to the protocol prescribed pursuant to section 1 of this act.

~~[~~

2. The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583 ~~[.]~~ *and section 1 of this act.*

Sec. 3. 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 6 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. 4. 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 12 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. 5. 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 20 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. 6. 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 pay the nonfederal share of expenditures incurred for:

1. Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus; and

2. The services of a pharmacist described in section 1 of this act. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

Sec. 7. 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, 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]~~ *:*

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants ~~[.]~~ *; and*

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus.

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

(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. 8. NRS 422.403 is hereby amended to read as follows:

422.403 1. The Department shall, by regulation, establish and manage the use by the Medicaid program of step therapy and prior authorization for prescription drugs.

2. The Drug Use Review Board shall:

(a) Advise the Department concerning the use by the Medicaid program of step therapy and prior authorization for prescription drugs;

(b) Develop step therapy protocols and prior authorization policies and procedures for use by the Medicaid program for prescription drugs; and

(c) Review and approve, based on clinical evidence and best clinical practice guidelines and without consideration of the cost of the prescription drugs being considered, step therapy protocols used by the Medicaid program for prescription drugs.

3. The Department shall not require the Drug Use Review Board to develop, review or approve prior authorization policies or procedures

necessary for the operation of the list of preferred prescription drugs developed pursuant to NRS 422.4025.

4. The Department shall accept recommendations from the Drug Use Review Board as the basis for developing or revising step therapy protocols and prior authorization policies and procedures used by the Medicaid program for prescription drugs.

5. The Department shall not require a recipient of Medicaid to undergo step therapy for a prescription drug for the prevention of human immunodeficiency virus.

Sec. 8.5. NRS 683A.179 is hereby amended to read as follows:

683A.179 1. A pharmacy benefit manager shall not:

(a) Prohibit a pharmacist or pharmacy from providing information to a covered person concerning:

(1) The amount of any copayment or coinsurance for a prescription drug; or

(2) The availability of a less expensive alternative or generic drug including, without limitation, information concerning clinical efficacy of such a drug;

(b) Penalize a pharmacist or pharmacy for providing the information described in paragraph (a) or selling a less expensive alternative or generic drug to a covered person;

(c) Prohibit a pharmacy from offering or providing delivery services directly to a covered person as an ancillary service of the pharmacy; or

(d) If the pharmacy benefit manager manages a pharmacy benefits plan that provides coverage through a network plan, charge a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the network of providers under contract with the third party.

2. The provisions of this section:

(a) Must not be construed to authorize a pharmacist to dispense a drug that has not been prescribed by a practitioner, as defined in NRS 639.0125 ~~[.]~~ , *except to the extent authorized by section 1 of this act.*

(b) Do not apply to an institutional pharmacy, as defined in NRS 639.0085, or a pharmacist working in such a pharmacy as an employee or independent contractor.

3. As used in this section, "network plan" means a health benefit plan offered by a health carrier under which the financing and delivery of medical care is 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.

Sec. 9. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0317, 689B.0374, 695B.1912, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1745, 695C.1751, 695G.170, 695G.171 and 695G.177, *and*

sections 10, 12, 13, 15, 16 and 19 of this act, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 10. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer shall not require an insured to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. 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. 11. 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 10 of this act.*

Sec. 12. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse a pharmacist who participates in the network plan of the insurer for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. An insurer shall not require an insured to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. 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. 13. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse a pharmacist who participates in the health benefit plan of the carrier for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A carrier shall not require an insured to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "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.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 14. 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 13 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. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse a pharmacist who participates in the network plan of the society for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A society shall not require an insured to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. 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. 16. 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 offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy using such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse a pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A hospital or medical services corporation shall not require an insured to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. 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. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the health maintenance organization for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A health maintenance organization shall not require an enrollee to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. 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. 18. 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 17 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. 19. 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 section 17 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. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Any drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in section 1 of this act, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse a pharmacist who participates in the network plan of the managed care organization for the services described in section 1 of this act at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. A managed care organization shall not require an insured to undergo step therapy or receive prior authorization in order to receive the benefits required by subsection 1.

4. 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.

5. 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 subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. 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. 21. 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. 22. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 21, 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 October 1, 2021, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 282 to Senate Bill No. 325 makes a conforming change to account for the provisions of section 1 authorizing a pharmacist to dispense a drug that has not been prescribed by a practitioner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 335.

Bill read second time.

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

Amendment No. 420.

SUMMARY—Revises provisions relating to professional and occupational licensing. (BDR 54-186)

AN ACT relating to professional licensing; creating the Division of Occupational Licensing within the Department of Business and Industry; creating the position of Administrator of the Division; setting forth the powers and duties of the Division and the Administrator; creating the Occupational Licensing Account; requiring each board that regulates a provider of health care to comply with certain requirements relating to the creation, retention and public disclosure of records; requiring 5 percent of the fees received by each such board to be deposited in the Occupational Licensing Account; abolishing certain boards that regulate certain professions and occupations; transferring the powers and duties of such boards to the Division; revising the membership of the Board of Medical Examiners and the State Board of Osteopathic Medicine; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain occupations and professions in this State by various boards and commissions created for that purpose. (Title 54 of NRS) Sections 7 and 306 of this bill create the Division of Occupational Licensing within the Department of Business and Industry. Sections 7 and 307 of this bill create the position of Administrator of the Division and require the Director of the Department to appoint the Administrator. Section 8 of this bill authorizes the Administrator to appoint deputy administrators and other employees as necessary.

Section 9 of this bill ~~[authorizes]~~ requires the Administrator to appoint ~~[any]~~ one or more advisory boards to assist the Administrator ~~[determines are necessary to carry]~~ in carrying out his or her duties ~~[.]~~ relating to the regulation of professions and occupations regulated by the Division for the protection of the public health and safety and the general welfare of the people of this State. Section 9 generally authorizes the Administrator to determine the number of members of such an advisory board and the qualifications of the members. However, if an advisory board is called upon to provide advice to the Administrator or perform any other duties relating to the regulation of a profession or occupation regulated by the Division, section 9 requires ~~[at least one member]~~ a majority of the members of the advisory board to hold a license to engage in that profession or occupation.

Section 10 of this bill authorizes the Division to take certain actions with respect to the issuance of licenses to persons engaged in professions or occupations regulated by the Division. Section 11 of this bill authorizes the Division to take certain actions with respect to disciplinary action against such licensees.

Section 12 of this bill authorizes the Division to conduct a review of any board that regulates an occupation or profession under existing law to determine whether the board should be abolished and its powers and duties transferred to the Division. Section 13 of this bill authorizes the Division to develop and make recommendations to the Legislature regarding the abolishment of any such board and regarding certain other matters. Section 14 of this bill creates the Occupational Licensing Account and requires the money in the Account to be expended only for the purposes of carrying out the duties of the Division. Section 16 of this bill authorizes the Administrator to adopt certain regulations. Sections 13 and 16 require the Division to consider input from licensees when developing and making certain recommendations and adopting regulations. Sections 3-6 of this bill define words and terms for the purposes of sections 2-16 of this bill.

Existing law requires a regulatory body to follow certain procedures in taking disciplinary action against a licensee. (Chapter 622A of NRS) Section 17 of this bill exempts the Division from such requirements.

Existing law creates the: (1) Nevada Board of Homeopathic Medical Examiners; (2) Board of Dental Examiners of Nevada; (2) State Board of Oriental Medicine; (3) Board of Athletic Trainers; and (4) Board of Massage Therapy . ~~[; and (5) State Barbers' Health and Sanitation Board.]~~ (Chapters 630A, 631, 634A, 640B ~~[,]~~ and 640C ~~[and 643]~~ of NRS) Sections 26-144, 154-176, 192-253 ~~[, 262-301]~~ and 314 of this bill abolish those boards and transfer the powers and duties relating to the regulation of the professions and occupations regulated by those boards to the Division of Occupational Licensing. Sections 18-21, 305 and 308-310 of this bill make conforming changes to the account for the abolishment of those boards and the transfer of their powers and duties to the Division. Section 312 of this bill provides that any person who, on December 31, 2021, is a member of a board abolished

under the provisions of this bill is deemed to be a member of an advisory board appointed by the Administrator pursuant to section 9 on January 1, 2022.

Existing law creates various boards to regulate providers of health care. (Chapters 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B and 641C of NRS) Section 15 of this bill requires the Division to adopt regulations establishing: (1) certain requirements for the creation, retention and public disclosure of records of those boards which have not been abolished pursuant to the provisions of this bill; and (2) penalties for such a board that fails to comply with such requirements. Sections 22, 145, 147, 152, 177, 179, 181, 183, 185, 188, 190, 254, 256, 258 and 260 of this bill require each such board to comply with: (1) all applicable provisions of existing law governing public records and meetings of public bodies; and (2) any requirements concerning the creation, retention and public disclosure of records of the activities of the board established by regulation of the Division. Sections 25, 146, 150, 153, 178, 180, 182, 184, 186, 189, 191, 255, 257, 259 and 261 of this bill require 5 percent of the fees received by each such board to be deposited in the Occupational Licensing Account.

Existing law creates the Board of Medical Examiners, consisting of nine members appointed by the Governor. (NRS 630.050) Sections 23 and 24 of this bill add a member to the Board who is required to be a licensed physician assistant.

Existing law creates the State Board of Osteopathic Medicine, consisting of seven members appointed by the Governor. (NRS 633.181) Sections 148 and 149 of this bill add a member to the Board who is required to be a licensed physician assistant.

Section 7 of Senate Bill No. 335 is hereby amended as follows:

Sec. 7. *1. The Division of Occupational Licensing is hereby created within the Department of Business and Industry. The Director of the Department of Business and Industry shall appoint an Administrator of the Division who shall administer all activities and services of the Division.*

2. The Division shall administer and enforce the provisions of this chapter and chapters 630A, 631, 634A, 640B ~~[,]~~ *and 640C* ~~[and 643]~~ *of NRS.*

Section 9 of Senate Bill No. 335 is hereby amended as follows:

Sec. 9. *1. The Administrator* ~~[may]~~ *shall appoint* ~~[any]~~ *one or more advisory boards* ~~[the Administrator determines are necessary]~~ *to* ~~[carry]~~ *assist the Administrator in carrying out his or her duties* ~~[.]~~ *relating to the regulation of professions and occupations regulated by the Division for the protection of the public health and safety and the general welfare of the people in this State.*

2. Except as otherwise provided in subsection 4, the Administrator may determine the number of members and the qualifications of the members of an advisory board appointed pursuant to this section. The members of an advisory board serve at the pleasure of the Administrator.

3. An advisory board appointed pursuant to this section shall:

(a) Meet at the times and places specified by the Administrator;

(b) Provide such advice to the Administrator as he or she requires; ~~[and]~~

(c) Assist the Administrator in reviewing and administering examinations required for the issuance of licenses;

(d) Review industry standards and make recommendations to the Administrator for regulatory changes;

(e) Assist the Administrator in investigating possible violations of applicable laws by licensees and make recommendations to the Administrator regarding any proposed action to be taken in response to such violations; and

(f) Perform any other duties as the Administrator may assign.

4. If an advisory board is called upon to provide advice to the Administrator or perform any other duties relating to the regulation of a profession or occupation regulated by the Division, ~~[at least one member]~~ a majority of the members of the advisory board must hold a license to engage in that profession or occupation.

Section 13 of Senate Bill No. 335 is hereby amended as follows:

Sec. 13. *1. The Division may develop and make recommendations to the Legislature concerning:*

~~[1.]~~ (a) The abolishment of any board that regulates a profession or occupation pursuant to this title and the transfer of the powers and duties of that board to the Division based on a review conducted pursuant to section 12 of this act;

~~[2.]~~ (b) Measures to improve and standardize the procedures for the issuance of licenses by the Division;

~~[3.]~~ (c) Measures to improve and standardize the procedures used by the Division for the imposition of disciplinary action against licensees; and

~~[4.]~~ (d) Any other matter concerning the licensure and regulation of professions and occupations regulated by the Division.

2. In developing and making recommendations pursuant to subsection 1, the Division shall consider input provided by licensees of the applicable board or boards.

Section 16 of Senate Bill No. 335 is hereby amended as follows:

Sec. 16. *The Division may adopt regulations as necessary to carry out the provisions of this chapter. In adopting any regulations pursuant to this section, the Division shall consider input provided by licensees.*

Section 262 of Senate Bill No. 335 is hereby amended as follows:

Sec. 262. ~~[NRS 643.010 is hereby amended to read as follows:~~

~~"643.010 As used in this chapter, unless the context otherwise requires:~~

~~1. "Barber school" includes a school of barbering, college of barbering and any other place or institution of instruction training persons to engage in the practice of barbering.~~

~~2. "Barbershop" means any establishment or place of business where the practice of barbering is engaged in or carried on.~~

~~3. ["Board" means the State Barbers' Health and Sanitation Board.]~~ ~~*"Division" means the Division of Occupational Licensing of the Department of Business and Industry.*~~

~~4. "Instructor" means any person who is licensed by the [Board] *Division* pursuant to the provisions of this chapter to instruct the practice of barbering in a barber school.~~

~~5. "Licensed apprentice" means a person who is licensed to engage in the practice of barbering as an apprentice pursuant to the provisions of this chapter.~~

~~6. "Licensed barber" means a person who is licensed to engage in the practice of barbering pursuant to the provisions of this chapter.~~

~~7. "Practice of barbering" means any of the following practices for cosmetic purposes:~~

~~(a) Shaving or trimming the beard, cutting or trimming the hair, or hair weaving.~~

~~(b) Giving massages of the face or scalp or treatments with oils, creams, lotions or other preparations, by hand or mechanical appliances.~~

~~(c) Singeing, shampooing or dyeing the hair, or applying hair tonics.~~

~~(d) Applying cosmetic preparations, antiseptics, powders, oils or lotions to the scalp, face or neck.~~

~~(e) Arranging, fitting, cutting, styling, cleaning, coloring or dyeing a hairpiece or wig, whether made of human hair or synthetic material. This does not restrict any establishment from setting or styling a hairpiece or wig in preparation for retail sale.~~

~~8. "Student" means a person receiving instruction in a barber school.]~~

(Deleted by amendment.)

Section 263 of Senate Bill No. 335 is hereby amended as follows:

Sec. 263. ~~[NRS 643.050 is hereby amended to read as follows:~~

~~643.050 1. The [Board] *Division* may:~~

~~(a) [Maintain offices in as many locations in this State as it finds necessary to carry out the provisions of this chapter.~~

~~(b)] Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties [.] *under this chapter.*~~

~~[(c)] *(b)* Adopt regulations necessary to carry out the provisions of this chapter.~~

~~2. The [Board] *Division* shall prescribe, by regulation, sanitary requirements for barbershops and barber schools.~~

~~3. Any [member of the Board or its agents or assistants] *agent or employee of the Division* may enter and inspect any barbershop or barber school at any time during business hours or at any time when the practice of barbering or instruction in that practice is being carried on.~~

~~4. The [Board] *Division* shall keep [a record of its proceedings] *records* relating to the issuance, refusal, renewal, suspension and revocation of licenses. [The record] *Such records* must contain the name, place of business and residence of each licensed barber, licensed apprentice and instructor, and~~

~~the date and number of the license. The record must be open to public inspection at all reasonable times.~~

~~5. The [Board shall place on the Internet website maintained by the Board the budget of the Board and all financial reports prepared by the Board.~~

~~6. The Board] *Division* may approve and, by official order, establish the days and hours when barbershops may remain open for business whenever agreements fixing such opening and closing hours have been signed and submitted to the [Board] *Division* by any organized and representative group of licensed barbers of at least 70 percent of the licensed barbers of any county. The [Board] *Division* may investigate the reasonableness and propriety of the hours fixed by such an agreement, as is conferred by the provisions of this chapter, and the [Board] *Division* may fix hours for any portion of a county.~~

~~[7.] 6. The [Board] *Division* may adopt regulations governing the conduct of barber schools and the course of study of barber schools.]~~ (Deleted by amendment.)

Section 264 of Senate Bill No. 335 is hereby amended as follows:

Sec. 264. ~~[NRS 643.060 is hereby amended to read as follows:~~

~~643.060 [1. Except as otherwise provided in subsection 3,] *All* money received by the [Board] *Division* under this chapter must be [paid to the Secretary-Treasurer of the Board, who shall deposit the money in banks, credit unions, savings and loan associations or savings banks in the State of Nevada and give a receipt for it.~~

~~2. The money must be expended in accordance with the provisions of this chapter for all necessary and proper expenses in carrying out the provisions of this chapter and upon proper claims approved by the Board.~~

~~3. The Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fees or the costs of an investigation, or both.] *deposited with the State Treasurer for credit to the Occupational Licensing Account created by section 14 of this act.]*~~ (Deleted by amendment.)

Section 265 of Senate Bill No. 335 is hereby amended as follows:

Sec. 265. ~~[NRS 643.070 is hereby amended to read as follows:~~

~~643.070 Any person is qualified to receive a license as a barber:~~

~~1. Who is qualified under the provisions of NRS 643.085.~~

~~2. Who is at least 18 years of age.~~

~~3. Who is of good moral character and temperate habits.~~

~~4. Who has:~~

~~(a) Practiced as a licensed apprentice for a period of 18 months under the immediate personal supervision of a licensed barber; or~~

~~(b) Complied with the requirements of NRS 643.085.~~

~~5. Who has passed an examination conducted by the [Board] *Division* to determine his or her fitness to practice as a licensed barber.~~

~~6. Who has had a chest X-ray, the results of which indicate he or she is not tuberculous, and a blood test, the results of which indicate he or she is not a carrier of communicable diseases.]~~ (Deleted by amendment.)

Section 266 of Senate Bill No. 335 is hereby amended as follows:

Sec. 266. ~~[NRS 643.080 is hereby amended to read as follows:~~

~~643.080 Any person is qualified to receive a license as an apprentice:~~

~~1. Who is at least 16 1/2 years of age.~~

~~2. Who is of good moral character and temperate habits.~~

~~3. Who has graduated from a school of barbering approved by the [Board.] *Division.*~~

~~4. Who has passed an examination conducted by the [Board] *Division* to determine his or her fitness to practice as a licensed apprentice.~~

~~5. Who has had a chest X-ray, the results of which indicate he or she is not tuberculous, and a blood test, the results of which indicate he or she is not a carrier of communicable diseases.]~~ (Deleted by amendment.)

Section 267 of Senate Bill No. 335 is hereby amended as follows:

Sec. 267. ~~[NRS 643.085 is hereby amended to read as follows:~~

~~643.085 A person who:~~

~~1. Is licensed pursuant to the provisions of chapter 644A of NRS; and~~

~~2. Has completed 400 hours of specialized training at a barber school approved by the [Board,] *Division,*~~

~~* may take the examination for a license as a barber without being licensed as an apprentice.]~~ (Deleted by amendment.)

Section 268 of Senate Bill No. 335 is hereby amended as follows:

Sec. 268. ~~[NRS 643.090 is hereby amended to read as follows:~~

~~643.090 1. Each applicant for a license as a barber or an apprentice must file an application verified by him or her for an examination before the [Board.] *Division.*~~

~~2. The application must be in a form prescribed by the [Board.] *Division.*~~

~~3. Each application must be accompanied by the fees prescribed by subsection 4.~~

~~4. The Board shall annually fix the examination fees, which must not be more than $100.~~

~~5. Each applicant must, at the time of filing the application, file a certificate signed by a licensed physician certifying that the applicant is free from tuberculosis and other communicable diseases.~~

~~6. Each applicant must submit all information required to complete the application.]~~ (Deleted by amendment.)

Section 269 of Senate Bill No. 335 is hereby amended as follows:

Sec. 269. ~~[NRS 643.095 is hereby amended to read as follows:~~

~~643.095 1. In addition to any other requirements set forth in this chapter:~~

~~(a) An applicant for the issuance of a license as a barber, an apprentice or an instructor shall include the social security number of the applicant in the application submitted to the [Board.] *Division.*~~

~~(b) An applicant for the issuance or renewal of a license as a barber, an apprentice or an instructor must submit to the [Board] *Division of Occupational Licensing* the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The [Board] *Division of Occupational Licensing* shall include the statement required pursuant to subsection 1 in:~~

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

~~(b) A separate form prescribed by the [Board.] *Division.*~~

~~3. A license as a barber, an apprentice or an instructor may not be issued or renewed by the [Board] *Division* if the applicant:~~

~~(a) Fails to submit the statement required pursuant to subsection 1; or~~

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

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

Section 270 of Senate Bill No. 335 is hereby amended as follows:

Sec. 270. ~~[NRS 643.100 is hereby amended to read as follows:~~

~~643.100 1. Not less than three times each year, at such times and places as it determines, the [Board] *Division* shall conduct examinations to determine the fitness of each of the following:~~

~~(a) Applicants for licenses as barbers.~~

~~(b) Applicants for licenses as apprentices.~~

~~(c) Applicants to enter barber schools.~~

~~2. The examination of applicants for licenses as barbers and apprentices must include a practical demonstration and a written and oral test that must include the subjects usually taught in barber schools approved by the [Board.] *Division.*~~

~~3. Not less than 60 days before the date of an examination described in this section, the [Board] *Division* shall provide notice of the examination on the Internet website maintained by the [Board.] *Division.]*~~ (Deleted by amendment.)

Section 271 of Senate Bill No. 335 is hereby amended as follows:

Sec. 271. ~~[NRS 643.105 is hereby amended to read as follows:~~

~~643.105 1. An applicant for a license pursuant to the provisions of this chapter who, without good cause, fails to appear for an examination of the [Board] *Division* after notification by the [Board] *Division* of eligibility to take the examination:~~

~~(a) Is not entitled to receive a refund of the fee for that examination; and~~

~~(b) Must reapply to take the examination by filing a new application and paying the fee for the examination.~~

~~2. The [Board] *Division* shall, by regulation, define "good cause" for the purposes of this section.]~~ (Deleted by amendment.)

Section 272 of Senate Bill No. 335 is hereby amended as follows:

Sec. 272. ~~[NRS 643.110 is hereby amended to read as follows:~~

~~643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the [Board] *Division* must continue to practice as a licensed apprentice for an additional 3 months before he or she may retake the examination for a license as a barber.~~

~~2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644A of NRS and who fails to pass the examination conducted by the [Board] *Division* must complete further study as prescribed by the [Board,] *Division*, not exceeding 250 hours, in a barber school approved by the [Board] *Division* before he or she may retake the examination for a license as a barber.~~

~~3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 must complete further study as prescribed by the [Board] *Division* in a barber school approved by the [Board] *Division* before he or she may retake the examination for a license as an apprentice.~~

~~4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 may retake the examination for a license as an instructor. If the applicant retakes the examination:~~

~~(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and~~

~~(b) Later than 1 year after taking the initial examination, the applicant must complete 250 hours of further study in a barber school approved by the [Board] *Division* each time before he or she may retake the examination for a license as an instructor.]~~ (Deleted by amendment.)

Section 273 of Senate Bill No. 335 is hereby amended as follows:

Sec. 273. ~~[NRS 643.120 is hereby amended to read as follows:~~

~~643.120 Except as otherwise provided in NRS 643.130, any person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the~~

~~provisions of this chapter must be admitted to practice as a licensed barber or apprentice pursuant to the regulations adopted by the [Board.] *Division.]*~~ (Deleted by amendment.)

Section 274 of Senate Bill No. 335 is hereby amended as follows:

Sec. 274. ~~[NRS 643.130 is hereby amended to read as follows:~~

~~643.130 1. A license as a barber or an apprentice must be issued by the [Board] *Division* to any applicant who:~~

~~(a) Passes an examination as provided for in NRS 643.070 and 643.080;~~

~~(b) Possesses the other qualifications required by the provisions of this chapter;~~

~~(c) Complies with the requirements set forth in the regulations of the [Board;] *Division;* and~~

~~(d) Submits all information required to complete an application for a license.~~

~~2. A person who has a license or certificate as a barber from another state or the District of Columbia, who has applied for an examination before the [Board] *Division* and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of the temporary exemption if:~~

~~(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the [Board;] *Division;*~~

~~(b) The [Board] *Division* has approved the person to sit for the examination required pursuant to NRS 643.100;~~

~~(c) The person has not previously failed an examination for licensure as a barber;~~

~~(d) The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the [Board;] *Division;* and~~

~~(e) The person complies with any other requirements of the [Board] *Division* to engage in the practice of barbering during the period of the temporary exemption.~~

~~3. The temporary exemption authorized pursuant to subsection 2 begins on the date on which the [Board] *Division* notifies the person that he or she may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the [Board] *Division* notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the [Board] *Division* to the same extent as a licensed barber.]~~ (Deleted by amendment.)

Section 275 of Senate Bill No. 335 is hereby amended as follows:

Sec. 275. ~~[NRS 643.140 is hereby amended to read as follows:~~

~~643.140 1. Each licensed barber and each licensed apprentice who continues in active practice or service shall biennially, on or before April 1 of~~

~~each even-numbered year, renew the license and pay the required fee. The [Board] *Division* shall fix the fee for renewal of a license, which must not be more than $60. All information required to complete the renewal must be submitted with the fee. Every license which has not been renewed before May 1 of an even-numbered year expires on that date.~~

~~2. A licensed barber or a licensed apprentice whose license has expired may have the license restored immediately upon payment of the required restoration fee and submission of all required information at any time within 2 years after the expiration of the license. The [Board] *Division* shall fix the restoration fee, which must not be more than $120.]~~ (Deleted by amendment.)

Section 276 of Senate Bill No. 335 is hereby amended as follows:

Sec. 276. ~~[NRS 643.150 is hereby amended to read as follows:~~

~~643.150 1. Each licensed barber and licensed apprentice shall display the license in a conspicuous place adjacent to or near his or her work chair.~~

~~2. A copy of the regulations adopted by the [Board] *Division* must be:~~

~~(a) Provided to the owner or manager of each barbershop or barber school; and~~

~~(b) Displayed in a conspicuous place in the barbershop or barber school.]~~ (Deleted by amendment.)

Section 277 of Senate Bill No. 335 is hereby amended as follows:

Sec. 277. ~~[NRS 643.170 is hereby amended to read as follows:~~

~~643.170 1. The [Board] *Division* shall not refuse to issue or renew any license, unless:~~

~~(a) Before taking that action the [Board] *Division* gives written notice thereof to the accused stating the specific reason for its adverse action; and~~

~~(b) The accused is granted the opportunity to appear before the [Board] *Division* for a hearing within 20 days after the date of the notice.~~

~~2. The [Board] *Division* may:~~

~~(a) Summon witnesses.~~

~~(b) Require the production of books, records and papers for the hearing.~~

~~3. Subpoenas must be issued by the [Secretary-Treasurer of the Board] *Division* directed to the sheriff of the proper county to be served and returned in the same manner as subpoenas in criminal cases. The fees and mileage of the sheriff and witnesses must be the same as is allowed in criminal cases and must be paid from the money of the [Board] *Division* as other expenses of the [Board] *Division* are paid.~~

~~4. If the accused prevails at the hearing, the [Board] *Division* shall grant him or her the proper relief without delay.~~

~~[5. Any investigation, inquiry or hearing thus authorized may be entertained or held by or before a member or members of the Board, and the finding or order of the member or members, when approved and confirmed by the Board, shall be deemed the finding or order of the Board.]]~~ (Deleted by amendment.)

Section 278 of Senate Bill No. 335 is hereby amended as follows:

Sec. 278. ~~[NRS 643.171 is hereby amended to read as follows:~~

~~"643.171 No person may operate a barbershop unless the [Board] *Division*~~ amendment.)

Section 279 of Senate Bill No. 335 is hereby amended as follows:

Sec. 279. ~~[NRS 643.1711 is hereby amended to read as follows:~~

~~"643.1711 An applicant for a license to operate a barbershop shall file an application with the [Board] *Division* on forms prescribed by the [Board] *Division* accompanied by the fee specified in NRS 643.1714.]~~ (Deleted by amendment.)

Section 280 of Senate Bill No. 335 is hereby amended as follows:

Sec. 280. ~~[NRS 643.1712 is hereby amended to read as follows:~~

~~"643.1712 The [Board] *Division* shall issue a license to operate an existing barbershop upon receipt of such application and fee if the applicant complies with the applicable provisions of this chapter.]~~ (Deleted by amendment.)

Section 281 of Senate Bill No. 335 is hereby amended as follows:

Sec. 281. ~~[NRS 643.1713 is hereby amended to read as follows:~~

~~"643.1713 1. An applicant for a license to operate a new barbershop shall submit an application and an inspection fee to the [Secretary of the Board.] *Division.*~~

~~2. [A member of the Board] *The Division* shall then, within 6 days, inspect such shop and issue a temporary license to the applicant which is valid for 20 days if such applicant complies with the applicable provisions of this chapter and the regulations adopted by the [Board.] *Division.*~~

~~3. The [Board] *Division* shall issue a regular license to the applicant before the expiration of such 20-day period.]~~ (Deleted by amendment.)

Section 282 of Senate Bill No. 335 is hereby amended as follows:

Sec. 282. ~~[NRS 643.1714 is hereby amended to read as follows:~~

~~"643.1714 1. The [Board] *Division* shall establish the fee for an inspection, which must not be more than $50. The fee for a license to operate a barbershop or for the renewal of the license must not be more than $50.~~

~~2. Each license to operate a barbershop must be renewed biennially, during April of each odd-numbered year. Each licensee shall pay the biennial fee for registration which must be prorated for the period from the date the license is issued to the end of the biennium. Each such license which has not been renewed in April of an odd-numbered year expires on May 1 of that year. An expired license may be restored upon payment of:~~

~~(a) The license fee; and~~

~~(b) A restoration fee established by the [Board,] *Division*, which must not be more than $50.]~~ (Deleted by amendment.)

Section 283 of Senate Bill No. 335 is hereby amended as follows:

Sec. 283. ~~[NRS 643.1716 is hereby amended to read as follows:~~

~~"643.1716 A person may not operate any barbershop unless he or she complies with all the applicable requirements of NRS 643.200 and the regulations adopted by the [Board.] *Division.]*~~ (Deleted by amendment.)

Section 284 of Senate Bill No. 335 is hereby amended as follows:

Sec. 284. ~~[NRS 643.1717 is hereby amended to read as follows:~~

~~643.1717 [1.] The [Board] *Division* may immediately suspend a license to operate a barbershop for violation of any of the applicable provisions of this chapter or regulations adopted by the [Board] *Division* until the violation is cured.~~

~~2. [Except for immediate suspensions authorized pursuant to subsection 1, the Board may suspend or revoke a license to operate a barbershop for a violation of the provisions of this chapter or any regulation adopted by the Board only in a manner consistent with the provisions of chapter 622A of NRS.~~

~~3.] When a license to operate a barbershop has been suspended or revoked for a violation of the provisions of this chapter or the sanitary requirements of the [Board,] *Division*, the [Board] *Division* shall post a notice on the shop stating the fact of suspension or revocation and the reason therefor.]~~ (Deleted by amendment.)

Section 285 of Senate Bill No. 335 is hereby amended as follows:

Sec. 285. ~~[NRS 643.172 is hereby amended to read as follows:~~

~~643.172 It is unlawful for any person to operate a barber school unless the [Board] *Division* has issued a license to the person to operate the barber school.]~~ (Deleted by amendment.)

Section 286 of Senate Bill No. 335 is hereby amended as follows:

Sec. 286. ~~[NRS 643.173 is hereby amended to read as follows:~~

~~643.173 An applicant for a license to operate a barber school shall file an application with the [Board] *Division* in such form as the [Board] *Division* may prescribe accompanied by the fee required by this chapter.]~~ (Deleted by amendment.)

Section 287 of Senate Bill No. 335 is hereby amended as follows:

Sec. 287. ~~[NRS 643.174 is hereby amended to read as follows:~~

~~643.174 Upon receipt of an application to operate a barber school, the [Board] *Division* shall require the applicant, if the applicant is a sole proprietor, or a member, partner or officer, if the applicant is a firm, partnership or corporation, to appear personally before the [Board] *Division* and submit information in such form as the [Board] *Division* may by regulation prescribe showing:~~

~~1. The location of the proposed barber school and its physical facilities and equipment;~~

~~2. The proposed maximum number of students to be trained at any one time and the number of instructors to be provided;~~

~~3. The nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise;~~

~~4. The financial ability of the applicant to operate the barber school in accordance with the requirements of this chapter and the regulations of the [Board;] *Division*;~~

~~5. That the barber school will have at least two instructors who provide instruction at the school; and~~

~~6. Such other information as the [Board] *Division* considers necessary.]~~ (Deleted by amendment.)

Section 288 of Senate Bill No. 335 is hereby amended as follows:

Sec. 288. ~~[NRS 643.176 is hereby amended to read as follows:~~

~~643.176 1. The [Board] *Division* may adopt and enforce reasonable regulations governing:~~

~~(a) The conduct of barber schools;~~

~~(b) The course of study of barber schools;~~

~~(c) Except as otherwise provided in NRS 643.1777, the examination of instructors;~~

~~(d) The fee for the examination of instructors, which may not exceed $100; and~~

~~(e) The fee for the issuance and renewal of an instructor's license, which must not exceed $250.~~

~~2. The [Board] *Division* shall require, as a prerequisite for the renewal of an instructor's license, continuing education in the form of seminars or other training.]~~ (Deleted by amendment.)

Section 289 of Senate Bill No. 335 is hereby amended as follows:

Sec. 289. ~~[NRS 643.1775 is hereby amended to read as follows:~~

~~643.1775 The [Board] *Division* shall license any person as an instructor who:~~

~~1. Has applied to the [Board] *Division* in writing on the form prescribed by the [Board;] *Division;*~~

~~2. Holds a high school diploma or its equivalent;~~

~~3. Has paid the applicable fees;~~

~~4. Holds a license as a barber issued by the [Board;] *Division;*~~

~~5. Submits all information required to complete the application;~~

~~6. Has practiced not less than 3 years as a full-time licensed barber in this State, the District of Columbia or in any other state or country whose requirements for licensing barbers are substantially equivalent to those in this State;~~

~~7. Has successfully completed a training program for instructors conducted by a licensed barber school which consists of not less than 600 hours of instruction within a 6-month period; and~~

~~8. Has passed an examination for instructors administered in accordance with NRS 643.1777.]~~ (Deleted by amendment.)

Section 290 of Senate Bill No. 335 is hereby amended as follows:

Sec. 290. ~~[NRS 643.1777 is hereby amended to read as follows:~~

~~643.1777 1. The examination of an applicant for a license as an instructor must include a practical demonstration and a written test that must include the subjects usually taught in barber schools approved by the [Board.] *Division.*~~

~~2. The [Board] *Division* shall oversee the examination for a license as an instructor but shall not administer any aspect of the examination, including, without limitation, the practical demonstration or written test.~~

~~3. The [Board] *Division* shall:~~

~~(a) Except as otherwise provided in paragraph (c), contract with the National Interstate Council of State Boards of Cosmetology, Inc., or any other national organization approved by the [Board] *Division* to administer the examination for a license as an instructor;~~

~~(b) Include as a term of any contract entered into pursuant to paragraph (a), a requirement that the organization provide the results of the examination to the applicant within 10 working days after the date of the examination; and~~

~~(c) Use only proctors who meet the requirements of subsection 4 to administer the practical demonstration portion of the examination for a license as an instructor.~~

~~4. To administer the practical demonstration portion of the examination for a license as an instructor, a proctor must be:~~

~~(a) An instructor; and~~

~~(b) Approved by the National Interstate Council of State Boards of Cosmetology, Inc., or any other national organization approved by the [Board] *Division* to administer a practical examination for persons who wish to instruct students in the practice of barbering.]~~ (Deleted by amendment.)

Section 291 of Senate Bill No. 335 is hereby amended as follows:

Sec. 291. ~~[NRS 643.179 is hereby amended to read as follows:~~

~~643.179 1. The [Board] *Division* shall not refuse to issue or renew any license to operate a barber school except upon 20 days' notice in writing to the interested parties.~~

~~2. The notice must contain a brief statement of the reasons for the contemplated action of the [Board] *Division* and shall designate a proper time and place for the hearing of all interested parties before any final action is taken.~~

~~3. Due notice, within the provisions of subsection 1, shall be deemed to have been given when the [Board] *Division* deposits with the United States Postal Service a copy of the notice, addressed to the designated or last known residence of the person applying for the license or to whom the license has already been issued.]~~ (Deleted by amendment.)

Section 292 of Senate Bill No. 335 is hereby amended as follows:

Sec. 292. ~~[NRS 643.182 is hereby amended to read as follows:~~

~~643.182 1. The [Board] *Division* may by regulation require a licensed barber to maintain a barbershop licensed by the [Board] *Division* as his or her primary base of operation for the performance of barbering services.~~

~~2. The provisions of this section do not prevent a licensed barber who complies with regulations adopted pursuant to subsection 1 from providing barbering services to customers away from his or her shop as a matter of convenience to those customers.]~~ (Deleted by amendment.)

Section 293 of Senate Bill No. 335 is hereby amended as follows:

Sec. 293. ~~[NRS 643.184 is hereby amended to read as follows:~~

~~643.184 A person who is required to display a license issued pursuant to the provisions of this chapter shall, upon the request of an authorized~~

~~representative of the [Board,] *Division*, provide to that representative identification in the form of a driver's license, identification card or permanent resident card with a photograph that has been issued by a state, the District of Columbia or the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006.]~~ (Deleted by amendment.)

Section 294 of Senate Bill No. 335 is hereby amended as follows:

Sec. 294. ~~[NRS 643.185 is hereby amended to read as follows:~~

~~643.185 1. The following are grounds for disciplinary action by the [Board:] *Division:*~~

~~(a) Violation by any person licensed pursuant to the provisions of this chapter of any provision of this chapter or the regulations adopted by the [Board.] *Division.*~~

~~(b) Conviction of a felony relating to the practice of barbers.~~

~~(c) Malpractice or incompetency.~~

~~(d) Continued practice by a person knowingly having an infectious or contagious disease.~~

~~(e) Advertising, practicing or attempting to practice under another's name or trade name.~~

~~(f) Having an alcohol or other substance use disorder.~~

~~2. If the [Board] *Division* determines that a violation of this section has occurred, it may:~~

~~(a) Refuse to issue or renew a license;~~

~~(b) Revoke or suspend a license; and~~

~~(c) Impose a fine of not more than $1,000.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.]~~ (Deleted by amendment.)

Section 295 of Senate Bill No. 335 is hereby amended as follows:

Sec. 295. ~~[NRS 643.188 is hereby amended to read as follows:~~

~~643.188 1. If the [Board] *Division* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is licensed as a barber, an apprentice or an instructor, the [Board] *Division* shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the [Board] *Division* receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. The [Board] *Division* shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the [Board] *Division* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or~~

~~warrant or has satisfied the arrearage pursuant to NRS 425.560.]~~ (Deleted by amendment.)

Section 296 of Senate Bill No. 335 is hereby amended as follows:

Sec. 296. ~~[NRS 643.189 is hereby amended to read as follows:~~

~~643.189 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the [Board,]~~ *Division*, ~~all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the [Board]~~ *Division* ~~requesting that such documents and information be made public records.~~

~~2. [The]~~ *Any* ~~charging document filed with the [Board]~~ *Division* ~~to initiate disciplinary action [pursuant to chapter 622A of NRS] and all documents and information considered by the [Board]~~ *Division* ~~when determining whether to impose discipline are public records.~~

~~3. The provisions of this section do not prohibit the [Board]~~ *Division* ~~from communicating or cooperating with or providing any documents or other information to any [other] licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.]~~ (Deleted by amendment.)

Section 297 of Senate Bill No. 335 is hereby amended as follows:

Sec. 297. ~~[NRS 643.190 is hereby amended to read as follows:~~

~~643.190 It is unlawful:~~

~~1. For any person to engage in the practice of barbering or attempt to engage in the practice of barbering without a license as a barber or an apprentice issued by the [Board]~~ *Division* ~~pursuant to this chapter.~~

~~2. For any owner or manager of any barbershop to hire or employ a barber or an apprentice who does not have a license issued by the [Board]~~ *Division* ~~pursuant to this chapter or whose barbershop does not meet the sanitary requirements of the [Board.]~~ *Division.*

~~3. For any person to serve as an apprentice under a licensed barber without a license as an apprentice issued by the [Board]~~ *Division* ~~pursuant to this chapter.~~

~~4. For any person to operate a barbershop unless the barbershop is at all times under the direct supervision and management of a licensed barber.~~

~~5. For any person to hire or employ any person to engage in the practice of barbering or attempt to engage in the practice of barbering unless the person holds a license as a barber or an apprentice issued by the [Board]~~ *Division* ~~pursuant to this chapter.~~

~~6. For any person licensed pursuant to chapter 644A of NRS or any other person to:~~

~~(a) Hold himself or herself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;~~

~~(b) Use the title or designation "barber" or "barbershop" under circumstances which would create or tend to create the impression to members~~

~~of the general public that the person is a licensed barber or is operating a licensed barbershop; or~~

~~(c) Engage in any other act or practice which would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop,~~

~~unless the person holds, as appropriate, a license as a barber or a license to operate a barbershop issued by the [Board] *Division* pursuant to this chapter or the person is operating a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644A.615.~~

~~7. For any person licensed pursuant to chapter 644A of NRS or any other person to place a barber pole in a location which would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the operator of the business holds a license to operate a barbershop issued by the [Board] *Division* pursuant to this chapter or the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber pursuant to NRS 644A.615. As used in this subsection, "barber pole" means:~~

~~(a) A red and white striped vertical cylinder with a ball located on top of the cylinder; or~~

~~(b) Any object of a similar nature, regardless of its actual shape or coloring, which would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.]~~ (Deleted by amendment.)

Section 298 of Senate Bill No. 335 is hereby amended as follows:

Sec. 298. ~~[NRS 643.203 is hereby amended to read as follows:~~

~~643.203 1. It is unlawful for a person to engage in the practice of barbering unless he or she is wearing clean outer garments which are suitable to allow the safe and hygienic practice of barbering.~~

~~2. The [Board] *Division* shall adopt regulations which prescribe standards for the garments required by subsection 1.]~~ (Deleted by amendment.)

Section 299 of Senate Bill No. 335 is hereby amended as follows:

Sec. 299. ~~[NRS 643.205 is hereby amended to read as follows:~~

~~643.205 It is unlawful for any person to instruct the practice of barbering in a barber school unless the person is licensed by the [Board] *Division* to do so.]~~ (Deleted by amendment.)

Section 300 of Senate Bill No. 335 is hereby amended as follows:

Sec. 300. ~~[NRS 643.220 is hereby amended to read as follows:~~

~~643.220 1. In addition to any other remedy or penalty:~~

~~(a) The [Board] *Division* may issue a citation to a person who has engaged in any act or practice which constitutes a violation of any provision of NRS 643.190. A citation issued pursuant to this paragraph must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 2. A separate citation must be issued for each violation. If appropriate, the citation may contain an order to cease and desist.~~

~~(b) Upon finding that a person has engaged in any act or practice which constitutes a violation of any provision of NRS 643.190, the [Board] *Division* shall assess an administrative fine of:~~

~~(1) For the first violation, $1,000.~~

~~(2) For the second violation, $1,500.~~

~~(3) For the third or subsequent violation, $2,000.~~

~~2. To appeal a finding of a violation pursuant to this section, the person must request a hearing by written notice of appeal to the [Board] *Division* within 30 days after the date on which the citation is issued.]~~ (Deleted by amendment.)

Section 301 of Senate Bill No. 335 is hereby amended as follows:

Sec. 301. ~~[NRS 643.230 is hereby amended to read as follows:~~

~~643.230 1. In addition to any other remedy or penalty, if a person has engaged in any act or practice which constitutes a violation of any provision of this chapter, the district court of any county, on application of the [Board,] *Division*, may issue an injunction or other appropriate order restraining the act or practice, without a showing of actual harm.~~

~~2. A proceeding under this section is governed by Rule 65 of the Nevada Rules of Civil Procedure.]~~ (Deleted by amendment.)

Section 302 of Senate Bill No. 335 is hereby amended as follows:

Sec. 302. ~~[NRS 644A.615 is hereby amended to read as follows:~~

~~644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license or a duplicate of the license in plain view of members of the general public in the principal office or place of business of the holder.~~

~~2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed or registered, as applicable, nail technologists, electrologists, estheticians, hair designers, shampoo technologists, hair braiders, demonstrators of cosmetics and cosmetologists at the establishment to provide services relating to the practice of cosmetology. This subsection does not prohibit an operator of a cosmetological establishment from:~~

~~(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the [State Barbers' Health and Sanitation Board] *Division of Occupational Licensing of the Department of Business and Industry* and remains subject to the laws and regulations of this State applicable to his or her business or profession.~~

~~(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.~~

~~3. The operator of a cosmetological establishment may lease space at the cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his or her practice. The provider of~~

~~health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.~~

~~4. As used in this section:~~

~~(a) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.~~

~~(b) "Space" includes, without limitation, a separate room in the cosmetological establishment.]~~ (Deleted by amendment.)

Section 303 of Senate Bill No. 335 is hereby amended as follows:

Sec. 303. NRS 644A.880 is hereby amended to read as follows:

644A.880 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means:

(a) A board created pursuant to chapter 630, ~~[630A, 631,]~~ 632, 633, 634, ~~[634A,]~~ 635, 636, 637, 637B, 639, 640, 640A, ~~[640B, 640C,]~~ 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; ~~[and]~~

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services ~~[.]~~ *; and*

(c) The Division of Occupation Licensing of the Department of Business and Industry.

Section 304 of Senate Bill No. 335 is hereby amended as follows:

Sec. 304. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means:

(a) A board created pursuant to chapter 630, ~~[630A, 631,]~~ 632, 633, 634, ~~[634A,]~~ 635, 636, 637, 637B, 639, 640, 640A, ~~[640B, 640C,]~~ 640D, 640E, 641, 641A, 641B, 641C, 643, 644A or 654 of NRS; ~~[and]~~

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services ~~[.]~~ *; and*

(c) The Division of Occupational Licensing of the Department of Business and Industry.

Section 312 of Senate Bill No. 335 is hereby amended as follows:

Sec. 312. Any person who, on December 31, 2021, serves as a member of the:

1. Nevada Board of Homeopathic Medical Examiners pursuant to chapter 630A of NRS;

2. Board of Dental Examiners of Nevada pursuant to chapter 631 of NRS;

3. State Board of Oriental Medicine pursuant to chapter 634A of NRS;

4. Board of Athletic Trainers pursuant to chapter 640B of NRS; or

5. Board of Massage Therapy pursuant to chapter 640C of NRS , ~~[; or~~

~~6. State Barbers' Health and Sanitation Board pursuant to chapter 643 of NRS,]~~

➥ shall be deemed to be a member of an advisory board appointed by the Administrator of the Division of Occupational Licensing of the Department of Business and Industry pursuant to section 9 of this act on January 1, 2022.

Section 314 of Senate Bill No. 335 is hereby amended as follows:

Sec. 314. NRS 630A.020, 630A.100, 630A.110, 630A.120, 630A.130, 630A.135, 630A.140, 630A.150, 630A.170, 630A.175, 630A.180, 631.020, 631.120, 631.130, 631.140, 631.150, 631.195, 631.205, 634A.030, 634A.040, 634A.050, 634A.060, 640B.025, 640B.170, 640B.190, 640B.200, 640B.210, 640C.030, 640C.150, 640C.160, 640C.170, 640C.180, 640C.190, 640C.200 [,] and 640C.230 [, 643.020, 643.030, 643.040 and 643.055] are hereby repealed.

Section 315 of Senate Bill No. 335 is hereby amended as follows:

Sec. 315. 1. This [section] act becomes effective [upon passage and approval.

2. Sections 1 to 314, 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] on January 1, 2022 . [, for all other purposes.

3.] 2. Sections 40, 71, 91, 125, 161, 169, 205, 210, 228, 244, 269 and 295 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Amend the bill as a whole by adding the leadlines of the repealed section(s) to read as follows:

LEADLINES OF REPEALED SECTIONS

630A.020 "Board" defined.

630A.100 Number, appointment and terms of members.

630A.110 Qualifications of members.

630A.120 Expiration of term; removal of member; replacement of removed member.

630A.130 Oaths or affirmations of office.

630A.135 Acknowledgment of statutory ethical standards.

630A.140 Officers; Secretary-Treasurer to receive applications for licenses and certificates; salary of Secretary-Treasurer.

630A.150 Meetings; quorum; vote by President only in case of tie.

630A.170 Seal; licenses and certificates to bear seal and signatures.

630A.175 Unauthorized use of seal or designation of Board or license or certificate issued by Board.

630A.180 Fiscal year.

631.020 "Board" defined.

631.120 Creation.

631.130 Qualifications of members.
631.140 Appointment of members from particular areas of State.
631.150 Grounds for removal of member from office.
631.160 Officers and Executive Director.
631.195 Fiscal year.
631.205 Creation; membership; powers and duties.
634A.040 Qualifications of members.
634A.050 Salary of members; per diem allowance and travel expenses of members and employees.
634A.060 Officers.
640B.025 "Board" defined.
640B.170 Creation; appointment and qualifications of members; terms, vacancies and removal from office; limitations on civil liability.
640B.190 Election of Chair; meetings; quorum.
640B.200 Employment of Executive Secretary and other personnel; members of Board not entitled to salary; per diem allowance and travel expenses of members and employees.
640B.210 Fiscal year.
640C.030 "Board" defined.
640C.150 Creation; appointment and qualifications of voting members; terms, vacancies and removal from office.
640C.160 Appointment of nonvoting advisory member.
640C.170 Salary of members; per diem allowance and travel expenses of members and employees.
640C.180 Election of Chair, Vice Chair and Secretary-Treasurer; meetings; quorum.
640C.190 Attorneys for Board.
640C.200 Employment of Executive Director.
640C.230 Fiscal year.
~~[643.020 Creation; qualifications and removal of members.~~
~~ 643.030 Election of officers; salary of officers and members; per diem allowance and travel expenses of officers, members and employees; duties of Secretary-Treasurer.~~
~~ 643.040 Meetings; quorum; seal; quarters.~~
~~ 643.055 Fiscal year.]~~

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 420 makes several changes to Senate Bill No. 335. The amendment amends sections 13 and 16 to require the Division of Occupational Licensing within the Department of Business and Industry to consider input from licensees in the ongoing regulations, investigations and development of making of recommendations. It deletes sections 262 through 303, which transfers the powers and duties of the State Barber's Health and Sanitation Board to the Division. It amends section 314 to remove the sections of NRS that proposed to abolish the State Barber's Health and Sanitation Board.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 437.

SUMMARY—Revises provisions relating to education. (BDR 34-842)

AN ACT relating to education; providing for the inclusion of ~~[an indicator]~~ data to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school in the statewide system of accountability; requiring the Department of Education to develop a statewide framework for restorative justice; providing for the inclusion of unaccompanied pupils and pupils in foster care in certain procedures related to the discipline of pupils; providing for the consideration of homelessness and being in foster care in the discipline of pupils; extending the requirement to establish a plan of action based on restorative justice to the suspension and removal of pupils from public school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a statewide system of accountability for public schools. (NRS 385A.600) Section 1 of this bill requires the Department of Education to include in the statewide system of accountability for public schools ~~[an indicator]~~ data to recognize public schools that reduce the frequency of suspension, expulsion or removal of pupils from school.

Existing law establishes provisions related to the discipline of pupils, including, without limitation, suspending, expelling or removing a pupil from school. (NRS 392.461-392.472) Existing law prohibits a public school from expelling a pupil from school without first providing a plan of action based on restorative justice. Under existing law, the Department must develop one or more examples of a plan of action based on restorative justice. (NRS 392.472) Section 12 of this bill additionally prohibits a public school from suspending or removing a pupil from school without first providing a plan of action based on restorative justice.

Existing law creates the Office for a Safe and Respectful Learning Environment within the Department. (NRS 388.1323) Existing law requires the Department to develop a policy to provide a safe and respectful learning environment that is free of bullying and cyber-bullying. (NRS 388.133) Section 2 of this bill requires the Department to develop a statewide framework for restorative justice. Section 2 sets forth various requirements for the statewide framework. Section 2.3 of this bill makes a conforming change to indicate the placement of section 2 within the Nevada Revised Statutes. Section 2.7 of this bill requires the policy to provide a safe and respectful learning environment to include requirements and methods for restorative

disciplinary practices that are in alignment with the statewide framework for restorative justice.

Existing law requires each public school to collect data on the discipline of pupils. (NRS 392.462) Section 3 of this bill requires the data to be disaggregated by certain subgroups of pupils and types of offense and, to the extent allowed under federal law, be posted on the Internet website of the school.

Under existing law, the board of trustees of each school district shall establish a plan to provide for the restorative discipline of pupils, which must be developed with the input of certain school personnel and the parents and guardians of pupils. (NRS 392.4644) Existing law requires the plan to provide for the restorative discipline of pupils to also provide for the temporary removal of a pupil from a classroom or other premises of a public school. (NRS 392.4645) Section 5 of this bill requires the board of trustees of each school district to also obtain input from pupils who are enrolled in schools in the school district and requires that the plan to provide for the restorative discipline of pupils align with the statewide framework for restorative justice developed pursuant to section 2. Section 6 of this bill requires that a public school must offer certain services to a pupil who is temporarily removed from school.

Existing law provides for the suspension or expulsion of a pupil from a public school in certain circumstances. (NRS 392.466, 392.467) Existing law establishes various provisions related to the procedure for suspending, expelling or removing a pupil from school. (NRS 392.4646, 392.4655, 392.4657) Sections 6-9 of this bill revise provisions relating to the participation of unaccompanied pupils and, in certain instances, pupils in foster care in any procedures related to the suspension, expulsion or removal of the pupil from school. Sections 6-8 of this bill require the consideration of the effects of homelessness in suspending, expelling or removing a pupil from school. Sections 10 and 11 of this bill prohibit a pupil from being suspended or expelled from school unless it has been determined that the behavior of the pupil was not caused by homelessness [.] or being in foster care.

Section 4 of this bill makes a conforming change related to the reference of subsection numbers changed in section 10.

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

Section 1. Chapter 385A of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall include in the statewide system of accountability for public schools [an indicator] data to recognize public schools that reduce the frequency of the suspension, expulsion or removal of pupils from school as a means of discipline, including, without limitation, a reduction in the occurrences of the suspension, expulsion or removal of pupils that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.

Sec. 2. Chapter ~~[392]~~ 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the Department shall develop a statewide framework for restorative justice. The statewide framework must, without limitation:

(a) In accordance with NRS 392.472, establish standards for a plan of action based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school;

(b) Provide for the identification of and address the needs of homeless pupils, unaccompanied pupils or pupils in foster care;

(c) Address the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;

(d) Provide for the improvement of school climate, culture and safety and pupil outcomes by providing information on, without limitation:

(1) Multi-tiered systems of support;

(2) Early warning systems;

(3) Positive behavioral interventions and support;

(4) The provision of school social workers;

(5) Curriculum on social and emotional learning; and

(6) Trauma-informed practices; and

(e) Provide for training for teachers, administrators and other school staff in:

(1) Child and adolescent development;

(2) Restorative justice, including, without limitation, positive behavioral interventions and support, conflict resolution and de-escalation techniques; and

(3) Psychology, trauma and chronic stress, the effect of trauma and chronic stress on pupils and learning and effective responses to trauma and chronic stress.

2. The Department may apply for grants, gifts and donations of money to carry out the objectives of the statewide framework for restorative justice.

3. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

(c) "Restorative justice" has the meaning ascribed to it in NRS 392.472.

(d) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 2.3. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, *and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.7. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions;

(c) Requirements and methods for restorative disciplinary practices ~~[,]~~ *that align with the statewide framework for restorative justice if such a framework is developed pursuant to section 2 of this act;* and

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 3. NRS 392.462 is hereby amended to read as follows:

392.462 Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into *the* subgroups of pupils *listed in subsection 2 of NRS 385A.250* and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action; ~~[and]~~

2. Report the data to the board of trustees of the school district each quarter ~~[.]~~ *; and*

3. To the extent allowed by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, post the data on the Internet website maintained by the public school.

Sec. 4. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in ~~[paragraph (b) of subsection 11 of]~~ NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in ~~[paragraph (c) of subsection 11 of]~~ NRS 392.466.

Sec. 5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The board of trustees of each school district shall establish a plan to provide for the restorative discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, school administrators and other educational personnel and support personnel who are employed by the school district, *pupils who are enrolled in schools within the school district* and the parents and guardians of pupils who are enrolled in schools within the school district.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of each school within the school district.

(d) Provide restorative disciplinary practices which include, without limitation:

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

(f) Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.

(g) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(h) *Be in accordance with the statewide framework for restorative justice developed pursuant to section 2 of this act, including, without limitation, by addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250.*

(i) Be posted on the Internet website maintained by the school district.

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan established by subsection 1 in consultation with the teachers, school administrators and other educational personnel and support personnel who are employed at the school and the parents and guardians of pupils and the pupils who are enrolled in the school;

(b) *Determine whether and to what extent the occurrences of the suspension, expulsion or removal of pupils from school disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;*

(c) Based upon the review, recommend to the board of trustees of the school district revisions to the plan, as recommended by the teachers, school administrators and other educational personnel and support personnel and the parents and guardians of pupils and the pupils who are enrolled in the school, if necessary;

~~[(c)]~~ *(d)* Post a copy of the plan or the revised plan, as provided by the school district, on the Internet website maintained by the school; and

~~[(d)]~~ *(e)* Distribute to each teacher, school administrator and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as provided by the school district.

3. On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction that reports the progress of each school within the district in complying with the requirements of this section ~~[.]~~ *, including, without limitation, addressing the occurrences of the suspension, expulsion or removal of pupils from school that disproportionately affect pupils who belong to a group of pupils listed in subsection 2 of NRS 385A.250;* and

(b) Post a copy of the report on the Internet website maintained by the school district.

4. As used in this section, "restorative justice" has the meaning ascribed to it in NRS 392.472.

Sec. 6. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. ~~[The]~~ *Except as otherwise provided in subsection 5, the* plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

4. A public school must offer a pupil who is removed from a classroom or any other premises of the public school pursuant to this section for more than ~~[1]~~ 2 school ~~[day.]~~ days:

(a) Education services to prevent the pupil from losing academic credit or becoming disengaged from school during the period the pupil is removed from a classroom or any other premises of the public school; and

(b) Appropriate positive behavioral interventions and support, trauma-informed support and a referral to a school social worker or school counselor.

5. Before removing a pupil from a classroom or any other premises of a public school pursuant to this section for more than 1 school day, the principal of the school must contact the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker, to make a determination of whether the pupil is a homeless pupil.

6. As used in this section, "homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 7. NRS 392.4646 is hereby amended to read as follows:

392.4646 1. Except as otherwise provided in this section, not later than 3 school days after a pupil is removed from a classroom or any other premises of a public school pursuant to NRS 392.4645, a conference must be held with:

(a) The pupil;

(b) A parent or legal guardian of the pupil ~~[,]~~ *, unless the pupil is an unaccompanied pupil;*

(c) The principal of the school; and

(d) The teacher or other staff member who removed the pupil.

➥ The principal shall give an oral ~~[or]~~ *and* written notice of the conference ~~[, as appropriate,]~~ to each person who is required to participate.

2. After receipt of the notice required pursuant to subsection 1, the parent or legal guardian of the pupil may, not later than 3 school days after the removal of the pupil, request that the date of the conference be postponed. The principal shall accommodate such a request. If the date of the conference is postponed pursuant to this subsection, the principal shall send written notice to the parent or legal guardian confirming that the conference has been postponed at the request of the parent or legal guardian.

3. If a parent or legal guardian of a pupil refuses to attend a conference, the principal of the school shall send a written notice to the parent or legal guardian confirming that the parent or legal guardian has waived the right to a

conference provided by this section and authorized the principal to recommend the placement of the pupil pursuant to subsection 6.

4. Except as otherwise provided in this subsection, a pupil must not return to the classroom or other premises of the public school from which the pupil was removed before the conference is held. If the conference is not held within 3 school days after the removal of the pupil, the pupil *, including, without limitation, an unaccompanied pupil* or a pupil in foster care, must be allowed to return to the classroom or other premises unless:

(a) The parent or legal guardian of the pupil refuses to attend the conference;

(b) The failure to hold a conference is attributed to the action or inaction of the pupil *, including, without limitation, an unaccompanied pupil* ~~[,]~~ or a pupil in foster care, or the parent or legal guardian of the pupil; or

(c) The parent or legal guardian requested that the date of the conference be postponed.

5. During the conference, the teacher who removed the pupil from the classroom, the staff member who removed the pupil from the other premises of the public school or the principal shall provide the pupil and *, if the pupil is not an unaccompanied pupil,* the pupil's parent or legal guardian with an explanation of the reason for the removal of the pupil from the classroom or other premises. The pupil and *, if the pupil is not an unaccompanied pupil,* the pupil's parent or legal guardian must be granted an opportunity to respond to the explanation of the pupil's behavior and to indicate whether the removal of the pupil from the classroom or other premises was appropriate in their opinion based upon the behavior of the pupil. *If the pupil is a homeless pupil, the conference must include consideration of and interventions to mitigate the impact of homelessness on the behavior of the pupil.*

6. Upon conclusion of the conference or, if a conference is not held pursuant to subsection 3 not later than 3 school days after the removal of a pupil from a classroom or other premises of a public school, the principal shall recommend whether to return the pupil to the classroom or other premises or continue the temporary alternative placement of the pupil if the pupil has been assigned to a temporary alternative placement.

7. As used in this section:

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~*[(b)]*~~ *(c) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).*

Sec. 8. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five suspensions from the school for any reason; ~~[and]~~

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5 ~~[.]~~ *; and*

(c) The behavior of the pupil was not caused by homelessness ~~*[.]*~~ *, as determined in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq., or a contact person at a school, including, without limitation, a school counselor or school social worker.*

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil *or, if the pupil is an unaccompanied pupil, the pupil* that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.419, an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil *or, if the pupil is an unaccompanied pupil, the pupil* may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil *or the pupil* chooses for the pupil not to participate, the school shall inform the parent or legal guardian *or the pupil* of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and *, if the pupil is not an unaccompanied pupil,* the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and *, if the pupil is not an unaccompanied pupil,* the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil *or, if the pupil is an unaccompanied pupil, a pupil* who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

9. As used in this section, "unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 9. NRS 392.4657 is hereby amended to read as follows:

392.4657 *1.* A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

~~[1.]~~ *(a)* Prohibits the pupil from attending school for 3 or more consecutive days; and

~~[2.]~~ *(b)* Requires a conference or some other form of communication with the parent or legal guardian of the pupil *or, if the pupil is an unaccompanied pupil, the pupil* before the pupil is allowed to return to school.

2. As used in this section "unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).

Sec. 10. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil ~~[.]~~ *or, if the pupil is an unaccompanied pupil, the pupil.* The pupil may be expelled from the school, in which case the pupil shall:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school

for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

6. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension or expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. A pupil who is at least 11 years of age and who is participating in a program of special education pursuant to NRS 388.419 may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Permanently expelled from school pursuant to this section.

11. *A homeless pupil* *or a pupil in foster care* *who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness* ~~[.]~~ *or being in foster care. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.* *, or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is in enrolled or the school counselor of the pupil.*

12. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in

such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) *"Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.*

(e) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

~~[(e)]~~ *(f)* "Restorative justice" has the meaning ascribed to it in subsection 6 of NRS 392.472.

~~[(f)]~~ *(g) "Unaccompanied pupil" has the meaning ascribed to the term "unaccompanied youth" in 42 U.S.C. § 11434a(6).*

~~[12.]~~ *13.* The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 11. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district may authorize the suspension or expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in NRS 392.466, a pupil who is not more than 10 years of age must not be permanently expelled from school.

2. Except as otherwise provided in subsection 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. The board of trustees of a school district may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

5. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence.

(b) Permanently expelled from school pursuant to this section.

7. A homeless pupil *or a pupil in foster care* *who is at least 11 years of age may be suspended or expelled from school pursuant to this section only if a determination is made that the behavior that led to the consideration for suspension or expulsion was not caused by homelessness* ~~*[,]*~~ *or being in foster care. A determination that the behavior was not caused by homelessness must be made in consultation with the local educational agency liaison for homeless pupils designated in accordance with the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.* *, or a contact person at a school, including, without limitation, a school counselor or school social worker. A determination that the behavior was not caused by being in foster care must be made in consultation with an advocate for pupils in foster care at the school in which the pupil is in enrolled or the school counselor of the pupil.*

8. As used in this section ~~*[, "homeless]*~~ *:*

(a) "Foster care" has the meaning ascribed to it in 45 C.F.R. § 1355.20.

(b) "Homeless pupil" has the meaning ascribed to the term "homeless children and youths" in 42 U.S.C. § 11434a(2).

Sec. 12. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before *removing a pupil from a classroom or other premises of the public school or suspending or* expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the *statewide framework for restorative justice developed pursuant to section 2 of this act and* requirements of this section and NRS 392.462;

(b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. The Department shall adopt regulations necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

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 preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On July 1, ~~[2021,]~~ 2022, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 437 to Senate Bill No. 354 replaces the term "indicator" with "data." It amends provisions concerning a removed student's return to the classroom to include those in foster care. It amends provisions regarding the suspension or expulsion of pupils who are at least 11 years old to include considerations for foster youth and to include certain school representatives or other liaisons in the process of determining the cause of certain behaviors. It changes the effective date to July 1, 2022, for purposes other than preparatory administrative tasks, including for training requirements. It moves the requirement for Nevada's Department of Education to develop a Statewide framework for restorative justice from chapter 392 of NRS chapter 388.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 395.
Bill read second time and ordered to third reading.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 19, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 51, 100, 210, 282, 298, 325, 335.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bills Nos. 22, 51, 100, 165, 171, 210, 231, 282, 298, 325, 335 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 44.
Bill read second time and ordered to third reading.

Senate Bill No. 201.
Bill read second time and ordered to third reading.

Senate Bill No. 229.
Bill read second time and ordered to third reading.

Senate Bill No. 235.
Bill read second time and ordered to third reading.

Senate Bill No. 259.
Bill read second time and ordered to third reading.

Senate Bill No. 283.
Bill read second time and ordered to third reading.

Senate Bill No. 288.
Bill read second time and ordered to third reading.

Senate Bill No. 289.
Bill read second time and ordered to third reading.

Senate Bill No. 303.
Bill read second time and ordered to third reading.

Senate Bill No. 320.
Bill read second time and ordered to third reading.

Senate Bill No. 329.
Bill read second time and ordered to third reading.

Senate Bill No. 346.
Bill read second time and ordered to third reading.

Senate Bill No. 347.
Bill read second time and ordered to third reading.

Senate Bill No. 349.
Bill read second time and ordered to third reading.

Senate Bill No. 376.
Bill read second time and ordered to third reading.

Senate Bill No. 380.
Bill read second time and ordered to third reading.

Senate Bill No. 389.
Bill read second time and ordered to third reading.

Senate Bill No. 390.
Bill read second time and ordered to third reading.

Senate Bill No. 397.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 160.
Bill read third time.
Remarks by Senator Kieckhefer.

Senate Bill No. 160 authorizes a university school for profoundly gifted students to enter into a cooperative agreement to offer dual-credit courses. The bill clarifies that such agreements must be made with a regionally accredited higher-education institution located in Nevada and that each charter school, school district or university school for the profoundly gifted may enter into such an agreement with a regionally accredited higher-education institution in another state if a Nevada institution does not offer such a course. If such an agreement is made with an out-of-state, higher-education institution, the institution must submit a copy of the agreement to Nevada's Department of Education.

Roll call on Senate Bill No. 160:
YEAS—21.
NAYS—None.

Senate Bill No. 160 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 251.
Bill read third time.
Remarks by Senator Seevers Gansert.

Senate Bill No. 251 requires primary-care providers to attempt to determine whether adult women, to whom they provide services, have a personal or family history of certain cancers or meet other criteria for which the United States Preventive Services Task Force recommends screening for a harmful mutation of the BRCA gene. If certain criteria are met, primary-care providers must screen for the mutation, provide written notice of the need to discuss genetic counseling and testing, provide genetic counseling and, if clinically indicated, provide genetic testing.

In addition, the bill requires a notice to be sent with the results of a mammogram advising women who have a familial history of certain types of cancer to speak with their doctor about genetic counseling and testing.

Physicians, physician assistants and advanced practice registered nurses may receive credit toward applicable continuing education requirements for completing a course related to genetic counseling and genetic testing.

Finally, certain public and private health plans must cover screening, genetic counseling and testing for harmful BRCA-gene mutations where such services are required as set forth in the bill. The Commissioner of Insurance of the Division of Insurance of the Department of Business and Industry may take various actions, including suspending or revoking a health insurer's certificate, for failure to comply with these requirements.

The idea for this bill came from my friend, Abby Whittaker. She went in for a regular mammogram and was asked if she wanted to do a familial assessment on an app. When she did it, it flagged her as needing to get counseling and potentially genetic testing. The facility, Reno Diagnostic Center, had access to immediate DNA testing and tested her. She tested positive for the BRCA gene.

Seven to ten percent of cancers are hereditary. If a woman tests positive for BRCA1 or BRCA2, the odds of her getting breast cancer in her lifetime are as high as 87 percent. The odds of getting ovarian cancer are as high as 44 percent. Since this is hereditary, once she found out she had the gene, she knew other family members needed to be tested as well.

I have a friend who fought cancer for years before dying last year. When she was fighting cancer in one round, her sister was also fighting cancer. She and her daughters were eventually tested for BRCA and were all positive, as were all of their cousins. This is a family of six women who all tested positive for BRCA, with its high probability rates of causing cancer during their lifetimes. This bill will ensure women get assessed, and, if indicated, they will get counseling and genetic testing so they can take whatever precautions needed to stay safe.

My friend Abby just had a bilateral mastectomy last week. That was the best action for her at this time, and she may be doing other things as she is in her early 40s. This bill can save lives by creating awareness and getting tests to women who need to be tested. It will also make sure their families are tested so they can take actions to make sure they can stay as healthy as possible. I urge your support and appreciate this bill being voted on this evening.

Roll call on Senate Bill No. 251:

YEAS—21.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 127.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 127 revises the Charter of the City of Mesquite regarding the appointment of the City Manager and City Attorney by providing that if the person first nominated by the Mayor is not confirmed by the requisite number of votes of the Mayor and members of the City Council, then any member of the City Council may submit a nominee for consideration and confirmation.

Roll call on Senate Bill No. 127:

YEAS—21.

NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 177.

Bill read third time.

Remarks by Senators Ratti, Settelmeyer, Hammond, Pickard, Harris, Seevers Gansert, Spearman and Hardy.

SENATOR RATTI:

Senate Bill No. 177 revises the eligibility of nonprofit organizations that provide services for victims of domestic violence to receive grants from the Account for Aid for Victims of Domestic Violence and renames the Account as the Account for Aid for Victims of Domestic or Sexual Violence. The bill requires that an organization must provide services exclusively to victims of domestic violence in a county with a population of 100,000 or more, currently Clark and Washoe Counties, but need only to provide services primarily to victims of domestic violence in a county with a population of less than 100,000. The bill also excludes nonprofits that provide services exclusively to victims of domestic violence from the requirement that they be able to shelter victims on any day at any hour and be able to store and prepare food in order to receive grants.

The Administrator of the Division of Child and Family Services must allocate 75 percent of the money allocated to a county under this program to services for victims of domestic violence, and 25 percent to services for victims of sexual violence. The number of grants that may be awarded in counties with populations of less than 100,000 is limited to one applicant to provide services for victims of domestic violence and one applicant to provide services for victims of sexual violence. In a county with a population of more than 100,000, grants may be provided to not more than 2 applicants providing services to each category of violence. The bill eliminates the requirement that 15 percent of all money allocated from the Account to a county whose population is 700,000 or more, currently Clark County, must go to an organization specifically created to assist victims of sexual assault.

The portion of the fee that is collected by a county clerk when issuing a marriage license that is used to fund the Account is raised from $25 to $50.

Forty years ago, a smart and capable woman, Senator Sue Wagner, realized Washoe had a problem in the State of Nevada and did not have a dedicated funding source to support victims of domestic violence. She worked with an army of names many in this Chamber would recognize. She fought hard to, for the first time, put a fee on the sale of every marriage license. For forty years, this has been our primary source of funding for victims of domestic violence. There have been multiple efforts since to find a reliable and consistent level of support from another funding source but we are still, in 2021, finding ourselves with this being the primary source. It has been 11 years since any of the agencies that provide services for domestic violence have received a raise. Due to inflation, they have lost significant purchasing power over those 11 years. That is the first reason to see this fee increase.

The second reason is that when the bill was originally drafted, Clark County had the only agency providing services for victims of sexual violence. Since then, the language, has only included sexual violence services in the one county. The other 16 counties receive no funding to support victims of sexual violence. This rate raise will allow us to expand sexual violence services to all 17 counties. It will give the organizations a bit of a cushion to move forward in case it takes another ten years to address this issue.

Today, in the State of Nevada, there will be women who experience either domestic or sexual violence. When they make the brave decision to leave and call for help, they will find out there is no room at the inn and no room for them. That is not okay. We need to do more. We need to do better. It is time to give nonprofits that provide these lifesaving services the support they need. I urge you to support Senate Bill No. 177.

SENATOR SETTELMEYER:

I appreciate the Senator from District 13 bringing forth this bill. We had numerous conferences to try and find additional funding sources. My entire caucus agrees with the concept of finding more funding resources. Some feel the nexus is unjustifiable within the funding source. That is what many of us object to, not the concept. I object to the fact that all of the previous Governors have not included this in the base budget. This is beyond a worthy cause and should be funded. It should not have to go through this process to find more resources. I cannot support the doubling

of the licensing fees. I hope we can continue to work together to find something that is a more rational nexus and will receive the votes necessary to pass.

SENATOR HAMMOND:

This is a wonderful cause, and I appreciate the fact my colleague from District 9 brought this bill forward. It is an important bill.

I have played a lot of sports. In playing basketball, I suffered many injuries. I have busted up my chin, twisted my ankles many times, hurt my leg and my elbow. I had braces with bands in middle school, and I remember being hit with an elbow and being bloodied by the bands. The worst injuries I have had in my life I remember.

I remember going down the hall in my home as a youth. My mother's husband may have been a bit angry that day. To get to my room, I had to pass by his. As I walked by, I did not see him come out of his room. The next thing I remember I was laying on the floor because he had hit me so hard I fell and lost consciousness for several seconds. My mom's third husband had a traveling cup with the hole on the top you could open up. He would shake it with ice, and that was my mom's cue to come from wherever she was, take the cup and go fill it with Crown Royal and 7-Up. On a late October night in Alaska, around 11:30 at night so, it was cold. I heard my mother screaming. I ran into the living room, and he was on top of her hitting, slapping and punching her. I was about 5 feet 3 inches tall at the time and about 130 pounds, and I tried to get him off her. He hit me with an elbow to my nose and still today, I can see the disfigurement that happened that night.

These were physical assaults. I remember another time when I was about 20 years old, I was talking to my sister, and she said something that made me think. I asked her if a certain thing had occurred, and she confirmed that it had. Apparently, when I was about 11 years old, I came down the stairs and saw something people should never see. My stepfather was doing things to her no one should ever see, and I apparently repressed those memories until that conversation with her and her confirmation of it.

There is both physical and mental abuse. There are many things that can go wrong when abuse and domestic violence are involved. At some level, and I remember hearing this in my high school years, domestic violence is cyclical. You learn and you then start to demonstrate those behaviors. I said to myself, "I do not ever want to do that. I do not want to be that person." I made a conscious decision to seek out and find men who could model the proper behavior for me, including how to be a good husband and how to be good dad. My coach, Doug Whitener, took me in for an entire year after my mom left when she was beaten by her third husband. Doug was a great role model. There were others including my coach Ron Milligan, Neil Wold, Mayor Christensen and my own father. He was a great role model, but I did not get to spend much time with him as a youth. My father had a best friend named Ritchie. When I was in my early 20s and visiting my dad in New York, Ritchie said to me, "Someday, if you are half the man your dad is, you will be a great man."

I tell you this story because I believed that to change my life, I had to do something that would make me a better man and be ready for marriage. The one thing that saved me was the institution of marriage. It is the one thing that made me want to be better and put me on a trajectory to be a great father and husband.

The problem I have is not with the bill, but with the funding source. We did this a while ago, and I have had problems with it since then. The problem is creating a nexus that should not exist between marriage and domestic violence. Marriage, in its purest form, can be the one thing that creates stable families and couples. I have tried to find another source to fund this program because it is necessary. They need to have the money, and they need to be able to stretch their purchasing power. They need to be across the State and take care of not only women but also children who suffer from domestic violence so they do not grow up and have the same problems I had.

I love the bill but cannot support the nexus between marriage and domestic violence. I would be happy to find any other way to find money sufficient for their needs. I do not want anyone else to have to go through what I did in order to get to where I am today. I would be happy to work on this bill later. More than anything, I want to make this issue go away. I cannot support this bill as written due to the way it is funded.

SENATOR PICKARD:

I appreciate the remarks made by our colleague from District 18, I know that must be difficult. I also want to join my colleagues in applauding our colleague from District 13 for addressing this need. The embarrassing lack of sufficient domestic and sexual violence services has largely been ignored by this Body for too long.

I represent many victims of domestic and sexual violence in my practice, often without compensation. I am sensitive to their needs but also believe it is inappropriate to put the cost of this effort squarely on the backs of the marriage industry. Marriages are on the decline, and we are losing ground as the predominant marriage tourism destination. According to WalletHub, we are already the seventeenth highest cost for weddings in the country. We are competing with other locations around the country that charge less than what this bill will create. The incremental cost-increase will make a difference. As marriages further decline, the income this generates will also decline. Do we raise the cost again next Session when we find this does not generate enough money?

We hear we should do this, because a prior Legislature did it in the past instead of committing to a permanent funding mechanism in the Governor's budget. Does this mean the impropriety of the past justifies the present injustice? I do not think so. The key to funding these services for victims of domestic violence is political will. If the Governor and the majority in the Legislature want to adequately and permanently fund this effort, it is entirely within their power and authority to do so. We could add 5 percent to the tax on alcohol, which is closely associated with domestic and sexual violence. We could also move $6 million to the Division of Child and Family Services in the Executive Budget to pay for this program. Instead, we are choosing to continue to punish an unrelated industry and those that respect the sanctity of formal marriage.

I reject the notion we should continue to bill the marriage industry simply because we have for four decades. That is being lazy. Instead, I call on the Governor and the Majority to raise the priority of services for domestic violence to the level it deserves. Adequately fund it as a permanent part of the recommended budget rather than continue to punish those who have nothing to do with domestic violence.

SENATOR HARRIS:

I am a bit confused. This bill does not create the funding source for victims of sexual or domestic violence. The choice before us is to increase the funding or not. That is it. That is what we are doing when we press our vote button whatever the justification may be. Some of us who have friends or family members who have been affected by this issue. Can you imagine their State leaders saying, "I don't like the nexus so you will have to wait for help"? Is that the best we can do? Is it not an option to vote for this funding today and continue to look for a permanent funding source? Is there a reason the women of Nevada, who need help today, need to wait or do not deserve this additional funding because of how it was set up 30 years ago? I cannot imagine that is really the choice we are going to make today.

I implore my colleagues to take a second and think about what a "no" vote on this bill means. Think about the women who will not have the funding they need to get the help we all agree they need. We need to take our disagreements about the funding source offline. Let us deal with that when it is not at the expense of vulnerable Nevadans. We all agree this is not the best funding source and we need to continue looking or put it in the base budget, but that is not the choice before us today. The choice is to fund or not fund. I would think this is an easy choice. I am hoping there is something inside each of us that says voting "no" on this bill because we do not like the funding source does not seem right. I hope everyone will take a breath before pushing their vote button and think about what this means for every-day Nevadans.

SENATOR SEEVERS GANSERT:

I want to thank my colleague from District 13 for bringing this legislation forward and my colleague from District 11 for her words. We have heard some strong stories today about family history and how domestic violence and assault can affect a family. Legislation is never perfect, it just is not, and we are known for that. We have legislation daily that we could vote against if we wanted to. There is always something to disagree with or say "no" to. Sometimes, we need to step up and look at the big picture. We need to recognize that domestic violence and assault are prevalent. With folks spending so much time at home and in isolation during this last year, the

numbers have escalated significantly. We do not know what the true numbers may be because much of this is under-reported.

We have heard a debate, and there are valid points on each side. We should have this as permanent funding, but before us is a choice as to whether we fund more or not. I recognize this is a growing issue, but I am looking at the big picture. I urge your support of this legislation because women, children, men and families need this help. If they do not get the help when they need it, they may not come back or have another opportunity to get it. There may not be the resources available for them when they finally take the step to move out and report the abuse or if something else happens. I urge your support of this legislation. It is not perfect, but it is the right thing to do.

SENATOR SPEARMAN:

I appreciate the comments from my colleagues who suggested this should be in the budget. We will be closing budgets soon. The only way we can get this into the budget is some sort of an increase. If that is palatable and you want to vote for an increase, whether an increase in tax or something else, "I am down with that."

SENATOR HARDY:

I was between 11 and 12 years old when I learned a valuable lesson. My mother said, "We don't hit girls." Sometimes, I think we put a fence at the top of the cliff to keep people from falling over, and sometimes we put an ambulance at the bottom of the cliff to take care of them after they fall over. This bill is doing a valuable service for those who have had trauma, either emotional or physical. It is a valuable service, yet, at the same time, it is an ambulance at the bottom of the cliff. We have to do something preventative more than we need to be protective after something has already happened.

I have stated on the record that I would vote for a tax. We need to do something before the violence happens. Domestic violence many times has a juxtaposition of alcohol. Why do we not tax alcohol, which decreases inhibitions? I would vote for a tax to do so. What we are trying to do is laudable, and I appreciate those who have been voices to protect people who have been and are now being victimized. I wish they were not and think that sometimes it is a preventable thing. I appreciate the attempt to do something to fund this.

SENATOR RATTI:

This bill doubles the portion that goes to domestic and sexual violence victims. It does not double the entire marriage license fee. I appreciate that there has been a lot of conversation about women. The majority of domestic violence victims are women, but I would be remiss to not recognize that we also see men, transgender and CIS gender individuals who are affected. This is not just man-on-woman violence. I appreciate the debate, the concerns and the support.

I particularly appreciate the comment by my colleague from District 15 that there is no perfect moment and no perfect bill. We have to do what we have to do in the reality of the situation in which we find ourselves. That reality is going through a budget where we are making 12 percent cuts across the board to many meaningful services such as K-12 education, services for behavioral health, services for those with disabilities, childcare and others. The reality of making a General File appropriation during this Session does not seem practical.

I have concerns about the liquor tax. I have been trying to figure out how to raise liquor taxes in many different circumstances. Now, when we find ourselves in the middle of a pandemic and when the industries built around hospitality have been kicked in the teeth, may not be the right moment to have that kind of conversation. I am concerned many of my colleagues feel the same way. We just cannot get there right now. Our job as Legislators is to make the best vote we can on the bill in front of us. Having seen the numbers on marriage licenses are back to pre-pandemic levels, it appears there are many folks who want to get married. There are many people I have spoken to who are happy that a portion of their fee will be going to help other people. I urge your support.

Roll call on Senate Bill No. 177:

YEAS—16.

NAYS—Buck, Hammond, Hansen, Pickard, Settelmeyer—5.

Senate Bill No. 177 having received a two-thirds majority,
Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate adjourn in memory of Marsheilah Lyons, Legislative Counsel Bureau's Deputy Director, Research Division, until Tuesday, April 20, 2021, at 11:00 a.m.
Motion carried.

Senate adjourned at 9:42 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate