

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eighty-First Session  
May 10, 2021**

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 1:03 p.m. on Monday, May 10, 2021, Online and in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Sandra Jauregui, Chair  
Assemblywoman Maggie Carlton, Vice Chair  
Assemblywoman Venicia Considine  
Assemblywoman Jill Dickman  
Assemblywoman Bea Duran  
Assemblyman Edgar Flores  
Assemblyman Jason Frierson  
Assemblywoman Melissa Hardy  
Assemblywoman Heidi Kasama  
Assemblywoman Susie Martinez  
Assemblywoman Elaine Marzola  
Assemblyman P.K. O'Neill  
Assemblywoman Jill Tolles

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Nicole J. Cannizzaro, Senate District No. 6  
Senator Pat Spearman, Senate District No. 1  
Senator Marilyn Dondero Loop, Senate District No. 8  
Senator Pete Goicoechea, Senate District No. 19



**STAFF MEMBERS PRESENT:**

Marjorie Paslov-Thomas, Committee Policy Analyst  
Sam Quast, Committee Counsel  
Terri McBride, Committee Manager  
Louis Magriel, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Sandra Koch, Board Member, Nevada State Medical Association; and Legislative Co-Chair, Nevada Section, American College of Obstetricians and Gynecologists  
Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada  
Jeri Burton, President, Nevada Chapter, National Organization for Women  
Tess Opferman, representing Nevada Women's Lobby  
Katie Robbins, representing Planned Parenthood Votes Nevada  
Serena Evans, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence  
Caroline Mello Roberson, Southwest Regional Director, NARAL Pro-Choice Nevada  
Vasudha Gupta, President-Elect, Nevada Pharmacy Alliance  
Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada  
Courtney Joslin, Resident Fellow, Competition Policy, R Street Institute, Washington, D.C.  
Marcos Lopez, Legislative Liaison, Americans for Prosperity-Nevada  
Annette Magnus, Executive Director, Battle Born Progress  
Ken Kunke, Executive Secretary, Nevada Pharmacy Alliance  
Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics  
DuAne Young, Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services  
Peter Aldous, Staff Attorney, Legal Aid Center of Southern Nevada  
Will Pregman, Communications Director, Battle Born Progress  
Garrett Gordon, representing Nevada Chapter, Community Associations Institute  
Alfredo Alonso, representing Nevada Beer Wholesalers Association; and Southern Glazer's Wine and Spirits  
Leif Reid, representing Nevada Beer Wholesalers Association; and Southern Glazer's Wine and Spirits  
Jeremy Warren, Chief Executive Officer and Brewmaster, Revision Brewing Company, Sparks, Nevada  
Michael Hillerby, representing Anheuser-Busch Corporation  
Katie Jacoy, Western Counsel, State Relations, Wine Institute  
Brian Reeder, representing MolsonCoors Beverage Company  
Tom Clark, representing Distilled Spirits Council of the United States

**Chair Jauregui:**

[Roll was called. Committee protocol and rules were discussed.] We do have a work session and bill hearings today. We will get started with our work session. Committee members, you should have the work session documents with you. I would like to note that we will be pulling Senate Bill 245 (1st Reprint) from today's work session, which will leave us with three items. With that, we can go ahead and go into our work session. I will hand it over to our policy analyst, Marjorie Paslov-Thomas, to move forward with Senate Bill 122 (1st Reprint).

**Senate Bill 122 (1st Reprint): Requires certain health and safety training for certain employees of cannabis establishments. (BDR 53-663)**

**Marjorie Paslov-Thomas, Committee Policy Analyst:**

[Ms. Paslov-Thomas read from Exhibit C.] Senate Bill 122 (1st Reprint) requires certain health and safety training for employees of cannabis establishments. It is sponsored by Senator Brooks, was heard on April 28, 2021, and there are no proposed amendments.

Senate Bill 122 (1st Reprint) requires certain employees and supervisory employees at a cannabis establishment to, not later than one year after being hired, obtain a card stating that he or she has completed a specified course in general industry safety and health hazard recognition and prevention 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 supervisory employee, hired before the effective date of this bill, must obtain a completion card not later than July 1, 2022. Finally, S.B. 122 (R1) requires the Division to establish a registry of providers of the specified courses in general industry safety and health hazard recognition and prevention.

**Chair Jauregui:**

Committee members, any discussion on the bill before you?

**Assemblyman O'Neill:**

I just wanted to comment that I will be voting no on this bill. I am just not there yet. I want to talk to a couple of people some more. So although I will be a "no" here, I will reserve my right to change my vote on the floor if I can get to fully comprehend some parts.

**Assemblywoman Dickman:**

I will just say ditto to that.

**Chair Jauregui:**

Committee members, any other discussion on the bill before you? [There was none.]  
I would entertain a motion to do pass S.B. 122 (R1).

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS  
SENATE BILL 122 (1ST REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN AND O'NEILL  
VOTED NO.)

I will assign the floor statement to Assemblywoman Considine. The next item for work session is Senate Bill 248.

**Senate Bill 248: Revises provisions relating to the collection of medical debt.  
(BDR 54-576)**

**Marjorie Paslov-Thomas, Committee Policy Analyst:**

[Ms. Paslov-Thomas read from [Exhibit D](#).] Senate Bill 248 revises provisions relating to the collection of medical debt. It is sponsored by Senator Dondero Loop and it was heard on April 23, 2021.

Senate Bill 248 requires a collection agency to provide written notice to a person who owes a medical debt at least 60 days before taking any action to collect. The bill also prohibits a collection agency or its manager, agents, or employees from engaging in certain practices relating to the collection of a medical debt.

There are three proposed amendments. Sophia A. Romero, Staff Attorney, Consumer Rights Project, Legal Aid Center of Southern Nevada, and Bailey Bortolin, Esq., Statewide Advocacy, Outreach and Policy Director, Legal Aid Center of Southern Nevada, propose the following amendments:

1. Amend the definition of "medical debt" in section 2 of the bill to exclude certain extensions of credit owed to a third party unless the credit was extended solely to purchase medical goods or services.
2. Amend section 7 of the bill to:
  - a. Require a collection agency to, at least 60 days before taking any action to collect a medical debt, send written notice to the medical debtor by certified mail identifying the name of the collection agency and informing the medical debtor it has been assigned or obtained the medical debt.

- b. Require the written notice sent to a medical debtor to include the principal amount of the debt.
  - c. Specify that the 60-day period before action may be taken to collect a medical debt does not prohibit a collection agency from accepting voluntary and debtor-initiated payments. Set forth certain requirements relating to such voluntary and debtor-initiated payments and prohibit the waiver of the requirements of the bill.
  - d. Delete subsection 1, paragraphs (c) and (d), and subsection 2 of that section.
3. Amend section 8 of the bill to clarify that the prohibition on the commencement of a civil action to collect a medical debt specified in subsection 2 does not prohibit the commencement of a small claims action to collect such a medical debt.

**Chair Jauregui:**

Committee members, any discussion on the bill and amendments before you?

**Assemblywoman Carlton:**

I am just trying to track the amendments with my notes. There were a couple of moving pieces in this. I had written off all these amendments as being discussed in the Committee. Was there one that came in afterwards, and could we elaborate on that, please?

**Marjorie Paslov-Thomas:**

That is the second amendment [[Exhibit E](#)]. It is dated May 6, 2021. It was submitted by Bailey Bortolin and addresses sections 7 and 8. It made some additional changes based on the feedback that was discussed during the Committee hearing. It looks similar to the other one. Do you have the attachments to the work session document [[Exhibit D](#)]? It would be on page 3.

**Chair Jauregui:**

Committee members, any other questions on the bill or amendment before you? [There were none.] I would look for a motion to amend and do pass S.B. 248.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS  
SENATE BILL 248.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Tolles:**

I just want to say thank you to the sponsors for continuing to work on this. I know there are some concerns about the impact on smaller medical facilities, but I really appreciate the follow-up with the answers and responses to it. I do believe that it is important to keep these predatory practices from continuing and protecting these individuals from these cycles that can really dig them into a hole, so I will be supporting.

**Chair Jauregui:**

Committee members, is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED NO.)

[[Exhibit F](#) is a collection of letters in opposition to [Senate Bill 248](#) that were submitted but not discussed and are included as exhibits of the hearing.]

I will assign the floor statement to Assemblywoman Martinez. Our next item on work session is [Senate Bill 260 \(1st Reprint\)](#).

**[Senate Bill 260 \(1st Reprint\):](#) Revises provisions relating to Internet privacy. (BDR 52-253)**

**Marjorie Paslov-Thomas, Committee Policy Analyst:**

[Ms. Paslov-Thomas read from [Exhibit G](#).] [Senate Bill 260 \(1st Reprint\)](#) revises provisions relating to Internet privacy. It is sponsored by Senator Cannizzaro and it was heard on April 30, 2021.

[Senate Bill 260 \(1st Reprint\)](#) requires a data broker to establish a designated request address through which a consumer may submit a verified request 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. The bill prohibits a data broker from selling the covered information of a consumer who has submitted such a request.

Additionally, the bill authorizes the Attorney General to seek an injunction or a civil penalty against a data broker who violates these provisions. The bill provides that a district court that finds that the data broker has violated these provisions may issue a temporary or permanent injunction or impose a civil penalty of not more than \$5,000 for each violation.

The bill also revises provisions concerning operators to authorize an operator to remedy a failure to comply with certain notice requirements, only if it is the first failure of the operator to comply with such requirements. Finally, the bill exempts fair credit reporting and fraud prevention organizations, publicly available information, and information and data processed pursuant to the federal Driver's Privacy Protection Act of 1994 from the requirements imposed on operators, data brokers, and covered information.

There are four proposed amendments which are contained in the mock-up that was prepared by the Legal Division of the Legislative Counsel Bureau [pages 2-9, [Exhibit G](#)].

Originally, there were two sets of amendments, but this mock-up combines everything together. Senator Cannizzaro proposes the following amendments:

1. Amend the definition of "data broker" in section 2 of the bill.
2. Amend the bill to revise provisions concerning the enforcement of the requirements imposed on operators and data brokers regarding the collection and sale of covered information for the purpose of authorizing any operator or data broker, who has not previously been found to have failed to comply with such requirements, to remedy any failure to comply within 30 days after being informed of the failure. If such an operator or data broker remedies such a failure, the operator or data broker does not commit a violation for the purposes of provisions governing the enforcement of the requirements by the Attorney General.
3. Amend section 1.5, subsection 1, of the bill to clarify that the exemption specified in that subsection applies to any consumer reporting agency as defined in *United States Code* (USC), Title 15, Section 1681a, paragraph (f), and any personally identifiable information regulated by the federal Fair Credit Reporting Act, 15 USC § 1681, et seq., and the regulations adopted pursuant thereto, which is collected, maintained, or sold as provided in the Act.
4. Delete section 7.5, subsection 2, paragraph (b), of the bill and amend the exemption provided in section 1.5 of the bill to include a financial institution or an affiliate of a financial institution, or any personally identifiable information regulated by the federal Gramm-Leach-Bliley Act, 15 USC § 6801 et seq., and the regulations adopted pursuant thereto that is collected, maintained, or sold as provided in the Act.

**Chair Jauregui:**

Committee members, any discussion on the bill or amendment before you? [There was none.] I will entertain a motion to amend and do pass S.B. 260 (R1).

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS  
SENATE BILL 260 (1ST REPRINT).

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblyman Flores. That completes our work session for today's afternoon meeting. We will now go ahead and move on to our bill hearing portion of the agenda.

For those who are listening in, I will be taking the bills out of order. I will be starting with Senate Bill 190 (1st Reprint), followed by Senate Bill 186 (1st Reprint) and Senate Bill 307 (1st Reprint). I see our bill sponsor here, so I will open the hearing on Senate Bill 190 (1st Reprint), which provides for the dispensing of self-administered hormonal contraceptives.

**Senate Bill 190 (1st Reprint): Provides for the dispensing of self-administered hormonal contraceptives. (BDR 54-3)**

**Senator Nicole J. Cannizzaro, Senate District No. 6:**

I am here to present to you Senate Bill 190 (1st Reprint), which will allow women to access birth control in the state of Nevada without a prior prescription from their doctor and while being covered by insurance. I do have with me and available via Zoom Dr. Sandra Koch, who will be able to provide a little bit of context, but I would like to provide just a few comments regarding the bill to the Committee first.

Birth control is essential health care. Senate Bill 190 (1st Reprint) will work to eliminate more barriers to access in Nevada and to level the playing field for women. Some women may have to wait months before they can get an appointment with their obstetrician-gynecologist (OB-GYN) in order to get a prescription for birth control. Other women may lack regular access to transportation to go to and from doctor's appointments, limiting their ability to obtain a prescription. For many Nevada women, the barrier lies in juggling multiple roles, including providing care for family members, working, and assisting with their kids' education. None of these reasons, however, should mean that women have to forgo caring for their own health and well-being due to lack of access to contraceptives.

Studies show that 99 percent of sexually active women have used a form of birth control at some point in their lives. We do so for varying reasons, whether it be to finish our education, obtain a fit career goal, or to simply wait to have a family for when we are ready to do so. Birth control empowers women to make decisions that are right for their own bodies.

Medical research supports this too. From treating acne to ovarian cysts, birth control has been prescribed to millions of women to benefit our health. Over the course of decades, research compiled shows that access to birth control has a direct link to reduced infant and maternal mortalities. This is part of the reason why the American College of Obstetricians and Gynecologists supports allowing pharmacists to dispense contraceptives in order to increase access. This is also why I am here to present to you Senate Bill 190 (1st Reprint) today.



Anybody who has tried to make an appointment with their OB-GYN knows how hard it can be, not only to get those appointments, but also should you have to change them, to try to get another date close to that previous date in order to get in to see a doctor. For anybody who has used hormonal contraceptives before, we also know that for the most part, they are very safe and very easy to use. Oftentimes, it just requires the simple renewal of a prescription that a woman has been taking for years and years.

I think that by reducing the barriers and providing more access to these contraceptives in a way that we know can be safe for women, it is a way that we can actually increase access to health care in general. This bill that you see before you is the result of hours of conversations with medical experts from across the state and country. One of those experts, as I mentioned, is Dr. Koch, an obstetrician with over 30 years of medical experience. She is here with us today. Before I walk through the basic tenets of the bill, I would like to ask if she could provide some testimony on the importance of pharmacist-provided hormonal birth control. I believe we have her available via Zoom.

[There were technical difficulties with Zoom.]

**Sandra Koch, Board Member, Nevada State Medical Association; and Legislative Co-Chair, Nevada Section, American College of Obstetricians and Gynecologists:**

I am here in support of Senate Bill 190 (1st Reprint) because birth control is an essential component of women's health care, and this bill will increase affordable [unintelligible] access to self-administered contraceptives.

The American College of Obstetricians and Gynecologists actually started to advocate for over-the-counter access to contraception almost ten years ago. The Food and Drug Administration (FDA) assessment of safety for oral contraceptives has shown no significant toxicity, and multiple studies have shown a self-administered screening tool is highly successful in identifying the small number who should not use over-the-counter contraceptives that contain estrogen.

Unfortunately, current U.S. law requires patients to have an appointment with a health care provider to start or continue contraceptives. Of a nationally representative sample of women who tried to obtain a prescription for a hormonal contraceptive, 30 percent reported difficulties obtaining the prescription or refills. A variety of factors contribute to this, but they lead to gaps in care, early discontinuation, and put women at risk for unintended pregnancy. The FDA has not yet approved any hormonal contraceptives for over-the-counter use, but allowing pharmacists to dispense these contraceptives with the assistance of a self-administered screening tool is a step in the direction of making contraceptives more available to women.

Some people have expressed a concern that women may not get recommended preventative care if they do not see a provider to obtain hormonal contraception. Studies have shown that women who can access contraceptives without a prescription have similar rates of receiving

preventative health care as women who have to have a prescription in order to obtain contraceptives. Although OB-GYNs still recommend that women see their doctors regularly, we do not believe that delaying or missing an appointment should be a reason for women to be denied contraception. We actively support this bill and hope that you all will too. I am available for questions if need be.

**Senator Cannizzaro:**

What Senate Bill 190 (1st Reprint) does is put in place a practice protocol that will allow for pharmacists to dispense birth control to women in Nevada. Currently, 13 states and the District of Columbia have similar laws allowing pharmacists to provide birth control without a prior prescription, whether through a standing order, practice protocols, or by expanding their scope of practice. I would like to note that we did submit a proposed mock-up to Senate Bill 190 (1st Reprint). It is proposed amendment 3365, which I believe should have been provided to the Committee [[Exhibit H](#)]. I will be basing my comments off of that.

What that amendment is essentially doing is allowing for this to be a practice protocol rather than a standing order by the Chief Medical Officer, which was done with consultation with the Department of Health and Human Services. This is currently how we are asking to do a number of other things, not only in this legislative session, but it is sort of the preferred method for allowing pharmacists to have that ability. This is in particular because of concerns over making sure that there is appropriate liability and responsibility with respect to that.

Briefly, I want to talk about a few sections of the bill. First, section 8.5 authorizes a pharmacist to dispense hormonal contraceptives in conjunction with the practice protocol that will be set up in conjunction with the State Board of Pharmacy.

Section 2.5 requires the State Board of Pharmacy to adopt regulations to establish a practice protocol for dispensing self-administered hormonal contraceptives. Sections 2.5 and 3 require that a risk assessment questionnaire, which Dr. Koch also spoke about, must be administered to a patient who requests a self-administered hormonal contraceptive, and that they include the information that must be provided in writing to those patients.

Going back to section 3, subsection 1, this authorizes a pharmacist to dispense a self-administered hormonal contraception under the practice protocol, regardless of whether the patient has obtained a prescription from a practitioner. Before a pharmacist may dispense a contraceptive, they must provide a risk assessment questionnaire to the patient, and if the results of that questionnaire indicate that it is unsafe to dispense the self-administered hormonal contraceptive, then a pharmacist may not dispense the contraceptive to the patient and must refer the patient to their health care provider.

Additionally, pharmacists must create and maintain a record of each person to whom a self-administered hormonal contraceptive is dispensed, including the name, drug dispensed, and other relevant information required by the protocol. Pharmacists must also inform

patients of proper administration and storage of the contraceptive, potential side effects, and the need to use other methods of contraception if appropriate. Certain written records related to the request or dispensing of self-administered contraceptives must also be provided to patients regardless of whether a contraceptive is dispensed.

Sections 5 and 6 amend the scope of practice of a pharmacist to include the dispensing of self-administered hormonal contraceptives and authorizes the State Board of Pharmacy to suspend or revoke a certificate to practice as a registered pharmacist if a pharmacist dispenses such contraceptives without complying with the provisions of the bill. Finally, sections 7 and 9 through 15 require certain health insurers, including Medicaid and state and local governmental, employer-based plans, among others, to cover self-administered hormonal contraceptives dispensed by a pharmacist.

This concludes my explanation of Senate Bill 190 (1st Reprint), which will allow women to have easier access to birth control. I do urge the Committee's support, but I am happy to answer any questions that the Committee may have. I know that Dr. Koch is also available but may need to leave, as she is currently at her practice as well.

**Chair Jauregui:**

Committee members, any questions?

**Assemblywoman Kasama:**

Thank you, Senator Cannizzaro, for bringing this bill forward. I read through the bill and was just curious—I did not see it—if there is any age limit in here or restriction on age limit?

**Senator Cannizzaro:**

There is not explicit language in the bill that has a direct age limit. I do not know if Dr. Koch has some additional information or comments that she could provide in that context as well.

**Sandra Koch:**

The American College of Obstetricians and Gynecologists and the American Medical Association recommend that this not include an age limit. We use birth control pills for girls starting as young as their menstrual periods do. I would not want to restrict this to a later age. I think it would be harmful to the bill and to Nevadans.

**Chair Jauregui:**

Committee members, any other questions?

**Assemblywoman Dickman:**

Since there is no age restriction, is there any parental consent involved with minors?

**Senator Cannizzaro:**

Dr. Koch, if you want to take that question.

**Sandra Koch:**

I just wanted to say that currently, in the state of Nevada, girls at any age can obtain birth control through the public health department. There is no parental consent required in the state of Nevada.

**Assemblywoman Carlton:**

I understand, Senator Cannizzaro, where you are trying to get, but I guess my caution in this bill is that without the yearly exam—and at that time, it was three years—the cancer that I suffered from would not have been caught. We know what busy moms are like. We know what busy young women are like. If they put off getting that exam every two, three, four, or five years, I just have an apprehension that we know what it is like.

We do not go unless we have to because we take care of everybody else in our families before we take care of ourselves. I am just concerned that something might not get found if there is not some type of exam somewhere along the way and if it is just open-ended. I know we can remind them and we can put up signs, but you are really inspired to go to the doctor when you know that pill prescription is going to be up. You make that appointment when you can. That is my concern.

**Senator Cannizzaro:**

Definitely, Assemblywoman Carlton, that is something that has been a question on this bill. I think you have outlined something that is a significant concern. At the same time, women who are hesitant about going to the doctor to get a prescription are likely to go without that prescription. Some may schedule that appointment in order to go and get the prescription, but there are so many more who are just not going to and who are going to resort to other methods or simply not take that precaution. We end up with other long-term issues with infant and maternal mortalities and with children who are not being properly supported because it was not necessarily where that mom wanted to go.

Certainly, nothing in the bill is meant to take away from the thought that we go to the OB-GYN for any number of reasons, not the least of which is having a prescription for birth control. We should still be going for Pap smears and other check-ups. When there are other issues that arise, we are still going to go to the doctor. Similarly, if we get a cold and need to take Theraflu or some sort of over-the-counter medicine that we may get from Walgreens, or if we ask the pharmacist to prescribe something, that does not necessarily mean that we do not go to the doctor if there is something else that is going on, or if we want to go in for a check-up to get regular blood work done. Part of this is encouraging women to continue to do that because it is such a huge piece of our health. I think that is really the point here.

I do not know if Dr. Koch would want to explain more, but where we have seen this before, there is not a decrease in women actually accessing those important parts of health care to get checked regularly for cancer screenings or other issues that come up that we need to see an OB-GYN for, even though we are allowing for easier dispensing of hormonal contraceptives.

**Sandra Koch:**

I wanted to add that what we do not want to do is be in a position where we are trying to coerce women into getting health care. I think holding their access to contraception hostage because they cannot or do not access health care is probably not the right approach. A study was done where they looked at women in Mexico, where it is not required to get a prescription for contraception, and compared the use of screening methods for various health care needs. There was no difference between the women in Texas and the women in Mexico when you compared their access to preventative health care services.

I do think it is really important to recognize that coercion is the wrong approach here. It is really important for us to allow women to control their fertility and access contraceptive methods that are helping them with other medical problems without requiring them to see a health care provider. We want to encourage that but not require it.

**Assemblywoman Carlton:**

I appreciate that. I think the term "hostage" is a little strong, but inspiring women to keep up with it—as I said earlier, we tend to put ourselves last. Sometimes it takes a little motivation to get us to take care of ourselves.

**Assemblywoman Hardy:**

Thank you, Senator Cannizzaro, for bringing this bill. I do share some of the same concerns as Assemblywoman Carlton. Sometimes, especially with younger women, they think, I am young and nothing can affect me. Sometimes, abnormalities and other conditions are caught only by going to the doctor when needing a prescription or something like that. I do have that concern as well. But I also think this can be beneficial.

I just have a couple of questions. As far as someone going into a pharmacy and filling out a questionnaire, it then says here that if it is unsafe to dispense, the pharmacist would refer them to their attending provider. Let us say that it is not unsafe. Are the pharmacists still required to let the provider know that this person came in and got the prescription?

**Senator Cannizzaro:**

No. The way the bill is structured, they would provide the questionnaire to anyone who is coming in to ask for the self-administered hormonal contraceptive. Based on that questionnaire—which has been highly effective in recognizing the same things that your particular practitioner would recognize if you went in and asked for a prescription for a hormonal contraceptive—some medical conditions that you have, other medications that you may be on, or your history may dictate that certain hormonal contraceptives are not appropriate for you to take.

It would be best to go to a practitioner to have a further evaluation and then make a decision about what sort of contraceptive care would be safe for you to have. But it does not then require the pharmacist to contact that person's health care provider to say, By the way, we

issued this prescription. Obviously, that is part of the patient's records that they prescribed some of those things, and there would be a record of what had been administered as part of the bill regulations that would be adopted for the practice protocol.

The point of the questionnaire is to identify any of the same things that a practitioner would be looking for that might indicate this hormonal contraceptive is not appropriate. I would also note that we are talking about the self-administered contraceptives. There are some contraceptive pieces, like an IUD [intrauterine device] or something like that, that you would still have to go to a health care practitioner for. When you are talking about this, for the most part, these are things that someone can administer themselves, and we know what those risks are. That is what the questionnaire would be based on. Again, it has been highly effective in being able to diagnose some of those items.

**Assemblywoman Hardy:**

Say that they get one prescription and then, for whatever reason, they have some side effects. Would that person then be able to go back to the pharmacist, discuss that, and try something else?

**Senator Cannizzaro:**

Yes, they would be able to go back to the pharmacist. Obviously, that may trigger the pharmacist to say that according to this questionnaire, you have had some issues with hormonal contraceptives, and we will refer you to a health care provider for further follow-up.

Most women who get hormonal contraceptive care of the sort we are asking for pharmacists to have the ability to dispense get it from their practitioner, have no side effects or issues, and are able to keep that prescription for years and years. Every year—or however many years, three years—they go in and get the prescription filled by their doctor. They go down and pick up the prescription and that is it.

For most women, that questionnaire is going to be able to delineate what those issues may be. Where there are further issues, they would go to a health care provider to get some additional follow-up and find out what exactly the problem may be. They could go back to the pharmacist and say, This one is not really working, is there something else based on the questionnaire that might be a little more effective for me?

I can think of different circumstances where that has come up, where sometimes you may gain more weight with a certain contraceptive than another, or it may exacerbate things like acne or other responses. They might not want that particular brand, and they can certainly go to the pharmacist to address that. I think in all cases where there may be complications, we want them to see a health care provider.

**Assemblyman O'Neill:**

Thank you, Senator Cannizzaro, for this bill. Anything that Dr. Koch says carries a lot of weight with me, so I am supportive, but I do have a question for you. Since we are talking in some groups about there being no age limit, maybe a 15- or 16-year-old girl goes in and fills out the questionnaire. The pharmacist then says you may have some health issues and you should go see your doctor before I can issue it to you.

The young lady then goes down the street to the next pharmacy and now knows how to fill out the questionnaire a little better. She wants the pills for whatever reason. Is there any protection or indemnification given to the pharmacist for giving her the prescription when the materials have been either falsified or filled out without full knowledge? I am looking for some type of protection for the pharmacist.

**Senator Cannizzaro:**

There is not anything specific in the bill that delineates some of those items. If somebody were to go in and falsify documents, obviously we have a whole host of state laws and other ordinances, regulations, and items that pharmacists have to abide by in order to do their job and make sure they are not accepting falsified documents. When that happens, there are consequences to that.

I think—and Dr. Koch, if you want to weigh in on any of this—I would venture to say that it is probably going to be very difficult for someone to go in and say that it was this particular thing or that particular thing, and so they are going to change it. If that is the case, they could always have gone from one provider to another provider under the laws that exist now to give different answers to questions in order to get contraceptive care.

Certainly, I think there is some ability for the State Board of Pharmacy to adopt regulations in accordance with the practice protocol to put into place anything that may address some of those issues. I would venture to guess that it is probably pretty uncommon and would be very rare, if it happened at all, that someone would be going from one pharmacy to another if they could not go to a health care provider. In addition, as Dr. Koch mentioned, they could just go to the public health department and obtain the same thing, or go and see a provider as well to obtain contraceptive care if there was some issue with the questionnaire.

**Chair Jauregui:**

Committee members, any other questions? [There were none.] Majority Leader, I have one and it is just out of curiosity. I think I know what direction you are going in, but I would like it for the record. The amendment changed the regulations from the Chief Medical Officer to under the jurisdiction of the State Board of Pharmacy. Could you just explain to me why this was done?

**Senator Cannizzaro:**

We originally had this as a standing order from the Chief Medical Officer. The Chief Medical Officer in the state is not a physician who is licensed in the state of Nevada, and so there were some concerns. In consultation with the Department of Health and Human Services (DHHS), there were some concerns about where liability may exist.

One of the preferred methods to do this was to create that practice protocol. That is what is delineated in the amendment [[Exhibit H](#)]. We are currently doing this for a few other over-the-counter items. There are a couple of bills currently pending that actually have the same sort of protocol and procedure. The State Board of Pharmacy can regulate the pharmacists. It allows for a little bit of a clearer picture for any liability that may result. It was definitely one of the preferred paths with respect to the DHHS. That is why we did that.

**Chair Jauregui:**

Seeing no further questions from Committee members, I am going to move us into testimony. Because we do have a pretty lengthy agenda today, I will be taking 20 minutes each of support, opposition, and neutral testimony for all three of the bills today, just to keep us on track and so we do not lose members to the afternoon committees.

Committee members, I do also want to make note before we go into our testimony portion that we will be going back into a work session on Senate Bill 245 (1st Reprint) after the bill hearings, which was on the work session at the beginning of the agenda. With that, seeing no one here in Carson City to testify in support of Senate Bill 190 (1st Reprint), is there anyone on Zoom?

**Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada:**

We are here in strong support of Senate Bill 190 (1st Reprint). Removing barriers to access to birth control has broad positive impacts in economics, educational opportunities, racial justice, and other areas.

Difficulty accessing birth control disproportionately affects women of color, and Black women are more than three times as likely to have physical conditions that are treated with hormonal birth control. Removing barriers to access in birth control can only benefit all communities. Furthermore, multiple studies have shown that access to birth control is one of the most influential factors in enabling women to stay in college. It has been linked to a 20 percent increase in enrollment and a 35 percent decrease in dropout rates.

The *Bloomberg Businessweek* has listed contraceptives as one of the most transformational developments in the business sector in the last 85 years. It has helped narrow the wage gap between men and women as well. Removing barriers to access of birth control will increase access to education, jobs, and overall better health. We urge you to support this piece of legislation.



**Jeri Burton, President, Nevada Chapter, National Organization for Women:**

I am speaking in support of S.B. 190 (R1) and am representing our members. We feel it would authorize pharmacists to dispense contraceptives over the counter, and it would make it more accessible for women in Nevada.

I think we talked about it earlier, but there are 15 other jurisdictions that allow pharmacists to prescribe contraceptives around the United States. In Oregon, they found that it helped women in rural areas with accessibility. We know that during the pandemic, women found access to their doctors difficult and they still needed contraceptives. Pharmacists often have more convenient locations and extended hours, obviously, for women who are working, and that is something physicians certainly lack. It is hard to make an appointment. With the cost of the appointment and taking time off from work for the doctor's appointment, we just really feel like this will help women in Nevada with access. We ask you to support S.B. 190 (R1) to help the women in Nevada.

**Chair Jauregui:**

Is there anyone else on Zoom who would like to testify in support of S.B. 190 (R1)? [There was no one.] Seeing no one here in Carson City, can we please go to the telephone line?

**Tess Opferman, representing Nevada Women's Lobby:**

First, I want to thank Senator Cannizzaro for her hard work on such important legislation. We echo what those before me have already said. Senate Bill 190 (1st Reprint) is critical to creating easy access to birth control and ensuring women are able to make decisions about their bodies and their futures.

Allowing pharmacists to distribute birth control means women can easily access necessary, preventative birth control methods without a doctor's appointment and without insurance. This is a huge step in women's health, and we are in full support of this measure. We ask you to support this bill.

**Katie Robbins, representing Planned Parenthood Votes Nevada:**

I am here in strong support of S.B. 190 (R1). Senate Bill 190 (1st Reprint) is a commonsense policy that gives Nevadans more autonomy over their reproductive health by removing the barrier of having to see a doctor simply to access birth control.

Allowing pharmacists to dispense birth control will have a positive impact on all people taking hormonal birth control, and especially people of color and those in low-income communities who are disproportionately impacted by barriers to care. Increasing access to reproductive health care will improve the lives of Nevadans and make our state stronger and more equitable. We urge the Committee's support of S.B. 190 (R1) and thank Senator Cannizzaro for bringing this important bill.

**Serena Evans, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:**

Having easy and affordable access to birth control is important for everyone, especially for victim-survivors of domestic and sexual violence. Accessing health care is a challenge for many Nevadans. For victim-survivors who are constantly surveilled by their perpetrators, accessing the health care professional to get a prescription for birth control is not always feasible or safe. In some instances, perpetrators will accompany the victim-survivor to every doctor's appointment to assert power and control and to sabotage their use of birth control.

Being able to access birth control over the counter at a pharmacy may allow victim-survivors much-needed accessibility to be able to access birth control to prevent unwanted pregnancies with their perpetrators. Allowing people to access birth control from pharmacists directly will greatly decrease barriers for so many Nevadans and can have a truly positive and important impact for victim-survivors of domestic and sexual violence.

**Caroline Mello Roberson, Southwest Regional Director, NARAL Pro-Choice Nevada:**

[Ms. Roberson read from written testimony submitted to the Committee, [Exhibit I](#).] We are proud to testify in support of S.B. 190 (R1), Senator Cannizzaro's legislation to expand birth control by allowing pharmacists to dispense contraception to individuals without a prescription from their doctor, authorized by a standing order with the Chief Medical Officer.

NARAL Pro-Choice Nevada is a not-for-profit organization dedicated to advancing reproductive freedom for everybody through political, policy, and community organizing. NARAL organizes throughout the state through things like virtual meetups, phone banks, online actions, and community events. We have more than 44,000 battle-born, feminist-strong members statewide and we are growing every day.

Contraception is an essential fact for tens of thousands of Nevadans. Indeed, according to the Guttmacher Institute, more than 99 percent of women aged 15 to 44 reported having used some form of contraception, with more than 60 percent currently using contraception. Most women, 72 percent, use a nonpermanent method like the pill, patch, or ring.

If S.B. 190 (R1) becomes law, Nevada would join 18 states that currently allow pharmacists to dispense self-administered birth control—medication that has proven to be safe and effective over decades of use—without a prescription from the person's doctor. This increases options for Nevadans to access this essential care, which is something that is sorely needed, particularly for Nevadans living in rural areas. Seamless access to birth control supports individual health and economic well-being.

Even before the global COVID-19 pandemic, it could be challenging for Nevadans to see a doctor, obtain a prescription, and then visit a pharmacy to pick up the prescribed contraceptive. Our current need for medical care continues to outpace our supply. Nevada ranks forty-fifth for active physicians per 100,000 population and forty-eighth for primary care physicians per 100,000 population. The global pandemic has only exacerbated this problem. Allowing pharmacists to dispense birth control pills to people without their

doctor's prescription is only one way to alleviate this problem by allowing folks to get their contraceptives on time while not being an unnecessary burden on an already overcapacity system. For birth control to be effective, consistency and timing are essential.

Senate Bill 190 (1st Reprint) makes critical steps towards breaking down barriers to contraception and ensuring we all can live in a freer Nevada that works for everybody. Nevadans are proud to live in a state with a long history of trusting women to make their own personal health care decisions. With this bill, the Silver State can continue to live up to our values. We urge the members of this Committee to vote in support.

**Vasudha Gupta, President-Elect, Nevada Pharmacy Alliance:**

I am an associate professor at Roseman University of Health Sciences, College of Pharmacy, and a board-certified clinical pharmacist at a federally qualified health center in Henderson, Nevada. The Nevada Pharmacy Alliance fully supports Senate Bill 190 (1st Reprint).

Nevada has a significant shortage of primary care providers, and this may be especially burdensome on patients living in rural areas and those in primary care deserts. Sixty-eight percent of women have reported difficulty in access to care. However, the majority of Americans—more than 90 percent—live within five miles of a pharmacy and are able to access those services.

Pharmacists have a doctorate degree focused on medication management and are highly trained professionals but, unfortunately, are underutilized. Pharmacists being able to prescribe safe and effective hormonal contraception medications will significantly improve access to care for women who want to prevent pregnancy, along with allowing pharmacists to have discussions with patients about safe sex practices. Senate Bill 190 (1st Reprint) will help reduce unintended pregnancies and decrease the burden on our health care system.

I also briefly wanted to touch upon insurance coverage. There are so many times that I have dealt with this personally as a patient and as a health care provider. With our health care system, insurance provider coverage changes constantly and medications are often not covered, which leads to a back and forth with the provider and the pharmacy trying to figure out which medication will be covered by the insurance. This could delay access by weeks for the patient and cause an unnecessary burden on patients and providers. If the entire process is done at the pharmacy, it is easy for the pharmacist to determine which prescription will be covered, and it can be dispensed then and there for the patient.

**Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada:**

I am happy and proud to come to the table today to support Senator Cannizzaro's bill, S.B. 190 (R1). We truly believe that this will provide timely and equitable access to hormonal contraceptives for women.

We believe that this will be a [unintelligible] for everyone. This also allows for freedom of choice and removes barriers that may exist to obtaining hormonal contraceptives. I also wanted to state that pharmacists are capable and willing to provide these services for women in our state.

Speaking to Assemblywoman Carlton's concerns, I believe that pharmacists, who are very well trained, can and will provide the encouragement for these women who visit them to also obtain service from their health care providers. With that, I would just like to say that I appreciate the opportunity to speak to you today, but I also would appreciate this Committee supporting Senator Cannizzaro's S.B. 190 (R1).

**Courtney Joslin, Resident Fellow, Competition Policy, R Street Institute, Washington, D.C.:**

The R Street Institute is a nonprofit, nonpartisan, public policy research organization. We engage in policy research that supports free markets and limited but effective government. I lead R Street's research on state policy for birth control access with a focus on sensible deregulatory efforts such as pharmacist-prescribed birth control. I appreciate the opportunity to give some brief comments on this.

For over a decade, the pharmacy access model, as it is often called, has been studied for its safety and ability to increase birth control access. A 2008 study found that virtually everyone who received a pharmacist-initiated prescription reported that they were happy with the experience and would like to continue seeing a pharmacist for their prescription. Since that study, 18 states and Washington, D.C., have begun allowing pharmacists to prescribe hormonal birth control. To date, over 3,300 pharmacies are now safely offering birth control consultations with the same basic protocols, such as a blood pressure test and a patient's self-reported medical history, in states across the country, including every state bordering Nevada.

Women who see pharmacists for birth control are shown to be more likely to be uninsured and younger than women who see a doctor, which suggests that paying regular doctor visits just to maintain their birth control prescription is too high a barrier for many. Furthermore, as many have noted, many of the leading medical associations across the country have supported increased access to birth control by deregulating it. This is due to birth control's time-tested safety and efficacy.

Finally, the pharmacy access model saves taxpayer funds and reduces burdens on families. Currently, 52 percent of pregnancies in Nevada are unplanned, which is costly to families, taxpayers, and the government. For example, in 2010 alone, Nevada taxpayers shouldered over \$37 million in unintended pregnancy-related costs under public health insurance programs, while the federal government spent over \$65 million on these costs in Nevada. However, an Oregon-based study found that pharmacist-prescribed birth control led to a reduction in unintended pregnancies as well as a \$1.6 million savings to the state's

Medicaid program within just the first two years of implementation. If Nevada implements a similar model, as this bill would do, it will see similar returns. In summary, the pharmacy access model is safe, effective, supported by the national medical community, and reduces burdens on all Nevadans. We support the passage of S.B. 190 (R1).

**Marcos Lopez, Legislative Liaison, Americans for Prosperity-Nevada:**

A lot of previous callers made many of the same points that we were going to make. We believe this is a good, positive, free-market reform to help increase health care access, and we are proud to support S.B. 190 (R1).

**Annette Magnus, Executive Director, Battle Born Progress:**

Thank you, Chair and Senator Cannizzaro, for this important bill. I just wanted to testify for my own, personal opinion on this bill and for my organization.

Recently, I had a situation where I could not get my birth control because my prescription ran out because I cycle my pills. I was having issues accessing it because my doctor's appointment had not come up yet. I see my doctor yearly because I, too, like Assemblywoman Carlton, have medical issues that require me to see a doctor yearly. However, I cycle my pills for medical reasons because I get horrific migraines and I have to have birth control to mitigate the hormonal swings that I would normally have.

I recently ran out of that prescription because I took them more quickly and did not go through my placebo pills. When that happened, I was not able to get in to see the doctor because I am not scheduled for my annual exam until July. If I were able to walk into my pharmacy and actually get my pills, I would not have gone through an entire cycle without having my pills, getting a migraine, and going through all the hassle it has become to get my pills.

This is an important bill for women like me who use birth control, not only for birth control, but also for medical reasons, and who need easy access for the pills and could easily walk into a pharmacy and receive them. I want to thank the sponsor of this bill because for women like me, it is critical for our health care.

**Ken Kunke, Executive Secretary, Nevada Pharmacy Alliance:**

[Mr. Kunke read from written testimony submitted to the Committee, [Exhibit J](#).] The Nevada Pharmacy Alliance is an organization that represents pharmacy professionals who work all over our state. We are excited to expand our ability to take care of patients, and I am here to show our support of Senate Bill 190 (1st Reprint).

A lot of the points that I was going to make have already been made, so I will just say ditto. The states that do have these protocols in place are showing that they are very effective and safe. I know that our State Board of Pharmacy can put those same precautions in place here in Nevada. With that, I would ask you to support Senate Bill 190 (1st Reprint). [Mr. Kunke also submitted an infographic, [Exhibit K](#).]

[[Exhibit L](#) and [Exhibit M](#) are additional letters in support of Senate Bill 190 (1st Reprint) and will become part of the record.]

**Chair Jauregui:**

At this time, we are going to move on to testimony in opposition to S.B. 190 (R1). Seeing no one here in Carson City and no one signed up on Zoom, can we please go to the telephone line? [There was no one.] Can we go straight to the telephone line for testimony in the neutral position?

**Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics:**

[Ms. McAllister read from written testimony submitted to the Committee, [Exhibit N](#).] Today I offer neutral testimony on behalf of the Nevada chapter of the American Academy of Pediatrics (AAP) for S.B. 190 (R1). The Nevada AAP has no issue with pharmacists dispensing contraceptives, but it is important for young adults and adolescents seeking birth control in Nevada to know that the American Academy of Pediatrics recommends long-acting, reversible contraceptives over short-acting contraceptives, like the pill, for patients. Long-acting, reversible contraceptives are highly effective, long-term, and have minimal side effects. Long-acting, reversible contraceptives are the most effective contraceptives to prevent pregnancy, but like oral contraceptives, they do not prevent sexually transmitted infection, so barrier protection such as condoms must always be used.

**Chair Jauregui:**

At this time, I do want to check Zoom. Is DuAne Young on Zoom to testify in the neutral position?

**DuAne Young, Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services:**

I am just here from Nevada Medicaid to say that this is a budget-neutral initiative, as this would just shift over recipients and providers and create more access to those on Medicaid.

**Chair Jauregui:**

With that, Majority Leader, any closing remarks? [There were none.] I will now close the hearing on Senate Bill 190 (1st Reprint). Committee members, the next bill on our agenda today is going to be Senate Bill 186 (1st Reprint). I see that we have Senator Spearman here with us today. Senator Spearman, we were expecting you on Zoom; we are so happy you could make it in person. I will now open the hearing on Senate Bill 186 (1st Reprint), which revises provisions relating to collection agencies.

**Senate Bill 186 (1st Reprint): Revises provisions relating to collection agencies.  
(BDR 54-582)**

[There were technical difficulties.]

**Senator Pat Spearman, Senate District No. 1:**

Thank you for providing me the opportunity to present Senate Bill 186 (1st Reprint) to you today. This is an important piece of legislation that ensures impartiality when a collection agency seeks to collect a debt.

The Legislature passed Senate Concurrent Resolution 1 of the 32nd Special Session this past summer, which acknowledges that systemic racism and the structures of racial discrimination are causes of profound economic and social challenges to our most vulnerable populations, by which I mean our Black, Indigenous, and people of color (BIPOC) communities. Because of the systemic barriers affecting BIPOC families, they have not had the opportunity to build generational wealth. However, they have been impacted by generational poverty.

According to a report from the Board of Governors of the Federal Reserve System, 13 percent of adults with a bachelor's degree or more did not expect to pay their current month's bills or would be unable to if faced with an unexpected \$400 expense versus 42 percent of those with a high school degree or less. When you include race and ethnicity into the same study, BIPOC communities were even less able to handle a small financial disruption.

Additionally, many other studies have acknowledged other financial inequities for BIPOC, such as how over 42 percent of borrowers in predominantly BIPOC communities had a debt in collections, compared to just 26 percent of borrowers in predominantly white areas. Debtors in BIPOC areas were twice as likely to have their bankruptcy case dismissed as debtors living in majority white areas. Borrowers of color were called nearly twice as often as white borrowers, despite similar rates of default and late payments.

A study of collection actions in three major cities found that the risk of judgment is twice as high in majority Black census tracts, and borrowers in majority Black census tracts in one city were also 20 percent more likely to have their wages garnished after a judgment. These findings and studies are noted from 2016, 2017, and 2019, during a time when we were experiencing the lowest unemployment in history.

Due to the coronavirus pandemic, BIPOC families are struggling financially even more than they were before. President Biden has set an economic recovery agenda built on advancing racial equity. We, too, must participate by enacting legislation that removes any form of bias. That is why Senate Bill 186 (1st Reprint) is important: it prohibits a collection agency from collecting certain debts owed to persons affiliated with or related to an owner of a collection agency.

Here are a few highlights, Madam Chair. Section 1 requires each collection agency to file annually with the Commissioner of the Division of Financial Institutions of the Department of Business and Industry a report that contains certain information pertaining to the debt collected for homeowners' associations during the immediately preceding year.

Specifically, the report must include: the number of cases where a collection agency collected a debt for a homeowners' association; the name of the homeowners' association and the amount of money collected for each homeowners' association that the collection agency collected a debt for; the total amount of money collected for each homeowners' association; the ZIP Code of each debtor from whom the collection agency collected a debt; and a signed statement provided by the manager of the collection agency affirming the collection agency did not collect a debt against a prohibited person, as provided in section 2.

Section 2 of the bill prohibits a collection agency and its manager, agents, and employees from collecting a debt from a person who owes fees to a homeowners' association, a tow car operator, or the property management of an apartment building if the collection agency is affiliated to or a relative of a person who is the community manager for the homeowners' association, tow car operator, or the property manager.

If you look at the September 2020 Guinn Center report [[guinncenter.org/wp-content/uploads/2020/09/Guinn-Center-Impact-of-COVID-19-on-Communities-of-Color-in-Nevada.pdf](https://guinncenter.org/wp-content/uploads/2020/09/Guinn-Center-Impact-of-COVID-19-on-Communities-of-Color-in-Nevada.pdf)] about what is happening in Nevada, you will see that many of our most vulnerable communities are still the ones that are most hard hit by COVID-19. It is the residuals.

Mostly, what we have learned is that for many of those persons who are in low-wage jobs—we learned during the pandemic that they are also called essential workers—they are still struggling just trying to make ends meet. For some of them, even though they have been called back to their jobs, one of the things we do know—the *Wall Street Journal* had an article on this a couple of months back—is that during the pandemic, one of the things that began to surge was technology and innovation. Disruptive technology increased about 25 percent during the pandemic. So, some of those who were recalled from their jobs do not even know if they are going to have a job a year from now because of the technological advances. When you look at S.B. 186 (R1), and specifically you should have a copy of the amendment for S.B. 186 (R1) [[Exhibit O](#)], it really is designed to make sure that once these persons have a home, they do not lose a home.

I know for some people it is a matter of saying it may only be two bedrooms and one bath, the carpet may need to be replaced, and there are some problems with the roof. But for the people who struggled, worked overtime, and even borrowed money just to hang in there during the COVID-19 process, this is their home. This is their opportunity to begin a part of the American dream. This is their opportunity to begin to build some type of generational wealth. I would just like to go briefly through the amendments, and I will not read them verbatim.



**Chair Jauregui:**

Senator Spearman, if you would hold for one second, we literally just got a copy of the amendment. It was never sent to my Committee manager or me to upload for the Committee. I checked with my policy analyst and she was able to get a copy, so we are going to distribute the amendment and make sure the Committee has it before we go through it [[Exhibit O](#)].

**Senator Spearman:**

You all should have received that this morning, but we can wait. Madam Chair, you should also have a link for the Guinn Center report that people can reference as well.

**Chair Jauregui:**

Okay, Senator Spearman, it looks like we all have the amendment now.

**Senator Spearman:**

I will apologize. I was sure that we got that to you all at about 9 a.m. this morning. No problem, but I apologize. First, it would provide a moratorium on homeowners' associations (HOAs) moving forward with foreclosures and increasing assessments until January 1, 2022. This provision applies to all HOAs so that unit owners have a chance to recover from the economic hardships caused by the pandemic.

We are only talking about six or seven months, but for people who are still struggling, that could be the difference between their keeping their home and being able to pay their HOA dues at some point, or not. I think it is important to also note that during the pandemic, many banks—as a matter of fact, most banks—provided forbearance for homeowners and we had an eviction moratorium in place for those who rented their homes. The one thing that did not happen during the pandemic was a moratorium on foreclosures for people who could not pay their HOA dues. We did have homes that were foreclosed on during the pandemic, and for many of the people who were foreclosed on, it was a direct result of the fact that they had either lost their job, their hours had been decreased, or they faced other calamities related to COVID-19.

Second, the amendment provides that the HOA must offer a unit owner a payment plan. That is because for very few people whom I know of, if you are going to have a difficult time being able to survive financially with a \$400 unexpected bill during the month, it is going to be almost impossible for you to survive if you wind up all of the sudden owing at least \$1,000 over two or three months.

Third, it provides that if an HOA uses the foreclosure process, the home may not be sold to any person who was involved in the foreclosure process, including, without limitation: the HOA; a collection agency used by the HOA to collect an obligation relating to the property; a community manager of the HOA and his or her assistants; an HOA board member; an attorney who represented any of the parties with regard to the foreclosure; or any person who is related within the third degree of consanguinity to a person described above.

For purposes of this provision, "any person who was involved in the foreclosure process" means any person who exercised discretion and/or any decision making related to the foreclosure of a lien or any person employed by such a process.

Madam Chair and Committee members, I think that this is extremely important, not only because it is a transparency issue, but for many homeowners, many times they have no idea right now that the collection agency—where the fees are being referred to and are mounting up—also has an opportunity to purchase that home once it is foreclosed and goes to auction. For me, I think there is something wrong with that because if you are involved in someone losing their home, I do not think you should be able to turn around and profit from that home. I have been told that right now, that is the case.

Here is an example of why I think that is nefarious at best. Someone can put a home into foreclosure, and the amount that it is sold for in auction could be, for example, \$150,000, or maybe \$200,000. Many of the homes, especially in Clark County, are listed above \$400,000. So let us say the market value of that home is \$500,000—and we also know that because there is a limited supply of homes, sometimes homes are going for 10 or 15 percent more than what the market value is—someone purchasing the home who was a part of that foreclosure process could purchase that home for \$150,000. If it was worth \$500,000, that is \$350,000 in instant equity. They can do whatever they need to do, spending \$60,000 or \$70,000 to clean it up or fix it up, and then sell it at a profit.

Meanwhile, you have someone who has worked hard for that home and they have lost it because they have not been able to pay their HOA dues. They are without a home. Someone who is involved in the process has a potential profit of more than \$500,000. I just think that there is something inherently wrong with that process. That is one of the major reasons I am bringing Senate Bill 186 (1st Reprint).

Fourth, the amendment requires an HOA to send notices and communications to the electronic mail addresses designated by the unit homeowners, unless they have opted out of receiving electronic communications or have not designated an electronic mail address. That, too, is because there were very limited transactions taking place in person during COVID-19. Most of what we did, including those of us in this body, was done via electronic measures.

Fifth, it requires an HOA that has 100 or more units to establish either a website or electronic portal by which it can be accessed by its members. This provision would include that beginning on January 1, 2022, each HOA in a common-interest community that has 100 or more units must establish a website or portal and post on the website or portal anything related to the HOA, including, without limitation, a recent copy of the CC&Rs [covenants, conditions, and restrictions], the HOA bylaws and rules, and any other documents required by regulation to be posted.

Beginning January 1, 2023, these HOAs must establish on the website or portal the ability for unit owners to pay their assessments online. I do not know about you, but everything I do in terms of payment—I pay my mortgage, car payments, and insurance—is online. For people who are homeowners, especially during COVID-19 and even in the aftermath of COVID-19, I think it is important, a good public service, and is good for customer relations as well to provide an opportunity for people to be able to pay their bills, dues, or whatever online. Homeowners' associations with less than 100 units are authorized and encouraged to create such a website.

Sixth, it requires community management to submit to the Real Estate Division of the Department of Business and Industry and to the Commissioner of the Division of Financial Institutions an annual report that contains: the name of each collection agency used by the community manager; the total number of past due obligations incurred in the HOA that were referred to a collection agency; the amount of each past due obligation, as determined on the date that the obligation was referred; and the ZIP Code of each person whose past due obligations were referred to a collection agency during the previous year.

I think those are very reasonable requests. Again, it provides a level of transparency that homeowners specifically, and BIPOC communities do not have right now. I also want to say that you heard me at the beginning of my testimony speak of systemic racism and systemic, racist structures. I want to be very, very clear. I am not calling anyone racist. Let me say that again. I am not calling anyone racist. But we all know that there are systems of racism that have been used and perpetuated in this country for, really, centuries. If we do not call it out and if we are unwilling to have those courageous conversations, it will never change.

Again, when I say it is systemic racism—and incidentally, the director of the Centers for Disease Control and Prevention also said the same thing about a month ago—racism is a public health crisis. I am not calling anyone a racist. I am simply acknowledging the fact, especially for those of us who have lived in it, that there are things beyond our control that we have to address and eliminate so that there is a fair and equal balance for people to achieve and maintain the American dream. With that, I have some people on Zoom who are going to be part of the presentation. Take a big guess; it is Jeri Burton.

**Jeri Burton, President, Nevada Chapter, National Organization for Women:**

I am speaking in support of S.B. 186 (R1) representing our Nevada National Organization for Women (NOW) members. Nevada families are struggling to recover from the economic collapse during the pandemic—and in particular in our BIPOC communities—as over two million women have dropped out of the workforce since February 2020. As we know, Nevada was hit the hardest.

In Nevada, the types of jobs lost have been predominantly those of women, women of color, and single women who are heads of households. Communities of color, and women particularly, have experienced higher HOA foreclosure rates because of this. This bill helps find ways to give homeowners a chance to recover from economic hardship. In many cases

it was due to no fault of their own because of the job loss in the pandemic where they may not even be able to pay the HOA fees. This bill helps eliminate abusive debt collection and protects consumers in Nevada. We ask you to support S.B. 186 (R1).

**Senator Spearman:**

I also have Nick Shepack with the American Civil Liberties Union of Nevada (ACLU).

**Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada:**

We want to thank Senator Spearman for bringing this bill to our attention and really allowing us to be a part of the conversation. This session and in a variety of committees, this body has heard legislation that deals with fines and fees. What we have found is two things are consistent. Whether it is with traffic tickets, driver's license suspensions, or the towing of motor vehicles, we lack a lot of good data here in the state.

What this bill will do with data collection—what will help both the Legislature and community organizations such as ours and those that work with people who are experiencing financial hardship—is allow us to really find out if there are these types of predatory HOA policies in some areas. It will help us understand, even if there are not predatory policies, who is being affected.

What we know from previous research is that communities of color get hit more often and harder by HOA fees. We have seen HOA fees start as low as \$700 and rise to a level where they get so high—because the individual who owns the home is unable to pay, especially during financial hardship such as the pandemic—that they then have a lien put on their house and they can lose their home. Their home is foreclosed on. We really need to have a better understanding in Nevada of how this practice is working, who is involved, and who is being the most affected by it. So that is one part that the ACLU is excited for with this piece of legislation. We really think that this data will help us, and help you all, create better policy.

Secondly, the moratorium on HOA foreclosures is really a piece that we feel is a gap that was missed during a lot of the good protections that were given during the pandemic. Whether those were protections for renters or for homeowners, we think there was probably an unintentional miss here. Now we have individuals who, as has been previously mentioned, have lost their jobs during the pandemic. They may have these HOA fees building up. These are often easy fixes once people have the time and money. By creating a moratorium just to the end of the year, we think we can save a lot of people and their homes.

Lastly, one thing we will say is that generational wealth is built through homeownership. It is one of the key indicators of generational wealth, and it has been one of the things that has helped keep certain communities in poverty in this country. Whatever we can do to better understand why people are losing their homes and to prevent people from losing their homes will not just have an impact in the immediate future but will have a real positive impact on these communities in Nevada for a really long time to come, even multiple generations.

We think there is a lot of common sense in this bill, including the amendment [[Exhibit O](#)]. We really urge you to support it because if we cannot measure what is happening, we really cannot address it properly.

**Senator Spearman:**

I also have someone from the Legal Aid Center of Southern Nevada. He may be on the phone. I think he was having some issues with the Internet.

**Chair Jauregui:**

We will probably have to get to him during testimony in support, Senator Spearman.

**Senator Spearman:**

That is all that I have for right now. I can stand for some questions.

**Chair Jauregui:**

Committee members, do you have questions for our presenter?

**Assemblywoman Kasama:**

I am going through this amendment we just received here, where in the first section you have got a moratorium on foreclosures through January 1 and are restricting the fees [[Exhibit O](#)]. The problem is that we went through this in 2006. We had HOAs that were devastated by non-collection of fees. They could not keep up the communities. They are tasked with collecting money to keep up the communities. We saw the devastating effects of that. It took them many years to recover from that as well, along with everybody else. My concern here is that we are putting a burden on private properties.

I understand the issues for individuals if they have lost their jobs or there are other hardships, but we have also had a lot of federal and state assistance that has been assisting people; we have unemployment, federal programs for bills, and money support for individuals. I do not see that this is a good move because, again, the burden is on the HOA, just like we had with housing providers where the burden was on them. If you need something, you cannot put it on private people. We then have the government step in and provide subsidies to people, but not on the backs of the private individuals and private companies.

I have a lot of trouble with this bill. Regarding the foreclosures, you say that will be six or seven months. The foreclosure process in this state now takes over seven months. We are going to be there next year anyway. I do not think, with what is going to happen with our court systems—they are going to be overloaded—I do not see any of this happening rapidly. To put COVID-19 regulation into the statutes when we are looking at opening up 100 percent in just a month or two does not make sense to me.

**Senator Spearman:**

Is that a question or a statement?

**Assemblywoman Kasama:**

I guess the question is, I do not see how putting the burden on private ownership and HOAs—you are putting the burden on them as well. You are transferring the burden from one party to another. I do not understand the rationale behind that.

**Senator Spearman:**

I think that is a good observation, that sometimes the government is able to step in. But I also think it is a good observation to note that there was a bill in Congress passed by the U.S. House of Representatives in May 2020 that never made it out. There were people who desperately needed that. They desperately needed the additional money for unemployment. There was additional money for departments of health. There were a lot of different things that were in there, and it got hung up.

Sometimes the government will step in. But one of the things that I do know—and this is not to take anything away from what the HOAs have to do—is that we have people who have lost their jobs. They have had to figure out how they are going to either pay their mortgage or put food on the table. Some of them had cars towed because they had registrations that were expired while the Department of Motor Vehicles had a banner on their website saying that there was going to be a moratorium on all of these things such as registration, license, et cetera. We have people in our community, our neighbors, people whom we go to church with and shop with—we have them who are struggling. They have to try and figure out how to balance their budgets, basically on nothing.

A couple of the things that I know HOAs do is they are supposed to keep the grass cut in common areas and make sure the trash is picked up. If you live in a gated community, they are supposed to make sure that the gate works. In the community that I live in, the gate is inoperable at least three or four times a month.

What I am suggesting here is, number one, a moratorium on the foreclosures. Where are these people going to go? I mean, really, where are they going to live? Their house was foreclosed on. Opening up in a few weeks does not mean that everything is okay. There are still people who are suffering. There are still people who do not have a job. There are still people, even if they have been called back to work, whose wages have not gone to the same level they were at before the pandemic.

I would encourage you to look at the Guinn Center report on the impact of COVID-19. It is people of color who are really bearing the burden of the vicissitudes of COVID-19, in that whatever financial obligations they have or have had, those have been ongoing. Whatever assistance that they have gotten from either the state or federal government, for many of them whom I have talked to and especially those in my district—this is not correct English, but it ain't been enough.

I am not telling them to stop. All I am saying is to push the pause button until January. With respect to the fees, put a pause until January. Give people an opportunity to save their homes. Give people an opportunity to do that. That is all I am saying.

**Chair Jauregui:**

Assembly members, any other questions for our presenter?

**Assemblywoman Carlton:**

Since we just recently got the amendment, and it is a conceptual amendment [[Exhibit O](#)], is it meant to delete the second part of the bill, which has to do with towing cars? Is that still in there, or is that coming out? Because it does not really seem related.

**Senator Spearman:**

Yes, ma'am, it stays in there. The relationship to that is the consanguinity, the people who many times have a direct relationship with car towing companies.

**Assemblywoman Carlton:**

That is fine. Thank you, Senator Spearman. I was just not sure with the conceptual amendment if it was included or not. So that provision is still in the bill.

**Chair Jauregui:**

I think that was my question, too, about whether it was deleting those sections. Committee members, any other questions?

**Assemblywoman Considine:**

Thank you, Senator Spearman, for bringing the bill. In the amendment, it is somewhat the same language that was in the original bill. In the third point of section 6, where for data collection you are collecting the amount of each past due obligation, it is kind of the same language that you have in the original bill.

My question is, if you are looking at the disparate impact and you are gathering data, what was the rationale to ask for just the amount of the obligation or the total amount of the debt, and not separating those into assessments and fines and fees? In most experiences, it is those fines and fees that end up causing more foreclosure than just the assessment. I was wondering if there was a reason why you did not have those separated.

**Senator Spearman:**

The rationale was that at first, the objection by some in opposition was that it was too much data. We have that in there to make sure that it is consolidated to a manageable amount. We can certainly go back and make that determination.

As a matter of fact, most people, when they keep their records, make that distinction. When you look at your household budget, you make a distinction between what your water bill was and what your gas bill was. If you were to ask me what my water bill was in the last year, I could go back and tell you. If you ask me what the total of my household expenses was for a month, I can go back and tell you. If we are going to disaggregate the information, most people already have it. But for the sake of making sure that it did not seem onerous to some people, we just wanted to make sure that this information was gathered.

I would also say—and I was looking for the page, but I cannot remember what page it is—that one of the things the Guinn Center report says is that we do not have the type of data collection we need to make sure that all communities and all Nevadans are receiving the same type and level of support to dig themselves out of this. They recommend we implement several different ways that we can collect the data so that we know that.

**Chair Jauregui:**

Senator Spearman, you keep referring back to this Guinn Center report, but we did not receive that as an exhibit to upload either. If you could get that over to us so we can share it with the Committee.

**Senator Spearman:**

Yes, ma'am. I sent a link and I can make sure you get the actual report. It is online, but I sent a link to the report as I got it offline. I can make sure you get that too.

**Chair Jauregui:**

Committee members, any other questions?

**Assemblywoman Hardy:**

I just had a question on section 3 of the conceptual amendment where you talk about who would not be able to purchase a home in a foreclosure. I think you were getting into this a little bit, but it seems to go quite far into who would not be allowed to purchase a home. I had a question on your thought process with that, and also why you are looking at putting into statute who could buy a home in this way.

**Senator Spearman:**

Right now, if you have a collection agency and you also own an HOA, and the delinquent account from the HOA company that you own was sent to the collection company that you also own, everything that happens to that piece of property is known by you, the people from the HOA, and anyone else who is involved in that process who knows exactly what is happening. More importantly, you know when it is getting ready to go on the market.

It is a matter of transparency. For me, it is also a matter of fairness. I am not trying to stifle anyone from making money. I just think and believe that an incestuous relationship like this that currently exists harms the former homeowner. This is one of the ways to make sure that the homeowner knows.

I am not casting aspersions or trying to castigate anyone, but here is one of the things that we do know. In the foreclosure process, 102 homes were foreclosed on at the end of 2019 and 2020. Let that just sit with you for a minute. That goes into a pandemic when everybody was supposed to be staying at home. You have that number of homes that are being foreclosed on. You also have people who have knowledge of that and who know that it is going on the market. The people who have lost their homes right now have no idea whether or not the process that was used to foreclose on their homes was fair to them. Doing it like this puts a level of fairness and transparency in there for the homeowner.



You can buy property. You can go to an auction and buy anything you want, such as a car or house. The thing that we are saying here is that, if you have been a part of the foreclosure process—no, find another way to buy a house. You can do it. Just do not do it this way on the backs of poor people. That is all I am saying.

**Assemblyman Frierson:**

My colleague had brought up a point and I just wanted to revisit it for clarity's sake. A good chunk of the presentation has been about homeownership and the impact on communities of color, particularly during the pandemic but not just during it. I just wanted more connection with the tow section of it because that has less to do with a lot of that. Do not get me wrong; I do not deny that there are issues with respect to towing practices across the board, but it seems to be separate from homeownership issues. Could you reel that in for me?

**Senator Spearman:**

The tow piece was actually placed in there as a result of some constituents, and not just my constituents—sometimes I do not know if they really are or not unless I ask them for the ZIP Code—who call and say their car was towed. When you look at it, there are times when tow companies have a relationship alignment with apartment complexes or HOAs. I think that was very similar to what Assemblyman Miller's bill talked about.

We are really talking about being able to seize property and doing it in a way where there is no transparency, and where the owner of the vehicle or home really has nowhere else to go. Here is an example. If you looked at the Governor's initial emergency declaration, you would not see tow companies listed in there. But I think it was maybe in the second iteration of it where you will see tow companies listed.

Here is why. With the Strip shut down, many of the tow companies were then going to apartment complexes and towing cars whose registration was out of date. They were impounding them. For some people, it went up to as much as \$2,000 to get their car back. The person who has lost their job and whose hours have been cut back does not know what they are going to do. The apartment complex manager may have called and said to come and look at these vehicles and see which ones are out of date. That is why it is in there; because it is also a matter of transparency. If you look at what Assemblyman Miller brought, there is a close connection with what he is saying in his bill and what is being said in this bill.

To leave the Strip and go to apartment complexes, when those, too, are primarily occupied by people of color, and to have that level of financial burden placed on them—for some of them, they could not make the car payment. They certainly cannot pay \$2,000 to get their car out of impound. What do you think happened to them? That is the connection. I hope I answered your question, sir.

**Assemblyman Frierson:**

You did. Just so I am clear with respect to the tow aspect of the bill, it still requires that there be a relationship, and that relationship is defined as within the third degree of consanguinity?

**Senator Spearman:**

Yes, sir.

**Assemblyman Frierson:**

That would still be applicable to the tow activity?

**Senator Spearman:**

Yes, sir.

**Assemblyman Frierson:**

Because we have now put that out there, are you saying that you have gotten calls from folks saying tow companies—because of a lack of business in other areas—just went without being summoned to apartment complexes, identified cars that had expired tags, and towed them?

**Senator Spearman:**

Yes, sir, that is exactly what I am saying. If you will look at some of the reports that are in D and I, you will see that. The number of automobiles that were towed escalated after the Strip shut down.

**Assemblyman Frierson:**

I am going to look into that because of my own curiosity about the ability of a tow company to go on a private property. Frequently, I have a tag in my glovebox that I forget to put in my car. Having been a victim of a stolen car, I have also had a car towed and subjected to fees as a victim, which kind of caught me off guard.

This is different because I think the bulk of what we were talking about was homeownership and the pandemic. I think that this is a different issue. I mean, it is obviously tied with respect to collections, but I do think it is a different issue and could open the door to a lot of other inequities in the practice of tow yards. But I will digress because I want to look into that myself.

**Chair Jauregui:**

Committee members, seeing no further questions, I am going to move on to the testimony portion of the bill hearing. I would like to remind everyone that I am going to take 20 minutes of support, 20 minutes of opposition, and 20 minutes of neutral. Seeing no one here in Carson City to testify in support, I will go ahead and check Zoom. Is there anyone on Zoom wishing to testify in support? [There was no one.] Can we go to the phone line?

**Tess Opferman, representing Nevada Women's Lobby:**

Senate Bill 186 (1st Reprint) takes an important step for consumer protection and transparency. We need this sort of observing of the practices of debt collection that happens with homeowners' associations so we can have a better idea of what debts are being collected, when, by whom, which homeowners' associations are more pervasive with debt collection, what populations they are targeting, and in what ZIP Code.

Nevada needs to do better at looking into this so we can better protect our residents. Furthermore, we need to ensure that debt collection agencies are not directly benefiting, or relatives who may be the owner or operator. We thank you for your time today and urge your support on S.B. 186 (R1).

**Peter Aldous, Staff Attorney, Legal Aid Center of Southern Nevada:**

I am calling in support of S.B. 186 (R1). I have represented many Nevada homeowners as they have tried to resolve fines and assessments with their homeowners' association. Many of those homeowners were very frustrated because they could not work directly with the HOA boards. This is because their files were placed with collection agencies, and too many of those collection agencies place their own profits over a prompt and efficient resolution of the issue. The inherent conflict of interest that arises when a community manager is financially related to a collection agency is unacceptable. Community managers should be focused on helping homeowners, not extracting money from them. Thank you, Chair and Committee members, for taking the time to address this important issue.

**Will Pregman, Communications Director, Battle Born Progress:**

We rise in support of S.B. 186 (R1). Our housing crisis in Nevada simply must be addressed. The pandemic has made an already precarious problem much worse, and this Legislature must work to keep people in their homes.

Senate Bill 186 (1st Reprint) would help study conflicts of interest between HOAs and debt collection agencies that lead to abuses of power and undue harassment and hardship for BIPOC communities. This bill is about protecting the homeowner from predatory behavior that lessens the ability for certain communities to access homeownership. We thank Senator Spearman for bringing this forward, and we ask you to support this bill.

**Chair Jauregui:**

Seeing no one here in Carson City, is there anyone on Zoom? [There was no one.] If we could check the telephone line for anyone wishing to testify in opposition. [There was no one.] Seeing no one here in Carson City, is there anyone on Zoom wishing to testify in neutral? [There was no one.] Could we go to the telephone line?

**Garrett Gordon, representing Nevada Chapter, Community Associations Institute:**

The Community Associations Institute is the trade group that speaks for the 3,000 homeowners' associations in our state. I signed in as neutral in that the bill as written and as is, without the amendment, we are neutral on. However, with this proposed amendment [[Exhibit O](#)], we do have some concerns. We have passed those concerns on to Senator Spearman and always appreciate the time and work that she does in allowing us to have a seat at the table. I will summarize the proposed six conceptual changes. Two of them we are in support of; two of them, I think, we can get to neutral on with some changes; but for a few of them, we certainly have big concerns.

Regarding section 1 of the amendment, we respectfully oppose a moratorium on HOA assessments, given that HOAs are nonprofit entities that have a zero-balance budget each year. If an HOA needs to increase assessments for the purpose of paying for the cost of services such as insurance, water, power, gate maintenance, or pool maintenance, this would stop an HOA from making needed increases and puts the HOA in a position of having to eliminate services. In addition, if you are capping or putting a moratorium on assessments, it now does not allow those kinds of associations from, say, entering into payment plans with homeowners. I think that is very important to hear.

You heard some testimony today about folks who have gotten behind and had some trouble. There are already in statute in Senate Bill 306 of the 78th Session—we worked very hard, and I know many of you on this Committee remember it with now-Attorney General Aaron Ford—laws regarding increased payment plans, increased notice, and redemption opportunities for homeowners to redeem their homes. As I understand it, that system is working, and we would submit to you that the amendment as written is not necessary.

There is no proliferation of HOA foreclosures. Regarding this bill and, I would say, its sister bill, Senate Bill 144 that died in the Senate Committee on Judiciary, some of these concerns were mentioned, and so we spent hours upon hours researching what happened in the last eight months in regard to HOA foreclosures. I can tell you that of the approximately 900,000 HOA units in Clark County, there were 33 total foreclosures in the last eight months in 30 different HOAs. There was no proliferation of HOAs foreclosing or in a particular HOA. We were also asked to look into the ZIP Codes. It is clear from every ZIP Code in Clark County that there are between zero and four foreclosures.

Again, I would like to sit down with Senator Spearman. Hopefully, we can come to a compromise on some of these conceptual amendments but again, if the Committee just processed the bill as is, we would be neutral on that. Thank you for the time, and I look forward to working with the sponsor.

**Chair Jauregui:**

Senator Spearman, would you like to give closing remarks?

**Senator Spearman:**

I just want to respond to Mr. Gordon's concerns. When the bill that he referred to about HOAs was worked on, we were not in a pandemic or were just a few months outside the pandemic.

Again, this is not saying indefinitely. This is saying until January 2022. This is saying, have compassion for the homeowners who have had to tighten their belts. I do not begrudge HOAs. I have bought and sold four houses since I have been living in Nevada, and every one of them had an HOA. I pay my dues. What I am saying is that there are some people who have not been able to do that. All they have to do is push the pause button. Push the pause button. Maintaining the common areas, okay; I honestly do not know if that is \$2,000 or \$3,000 a month. I do not know.

Like I said, in my community, we have been telling the HOA, for I do not know how long, that the gate is broken, and asking why they do not replace it. They come out two or three times a month and go "tink tink tink" with a hammer, a screwdriver, and whatever, and the gate works for another four or five days, and then it does not.

I am not saying "do not." I am simply saying, please have compassion on ordinary people who are struggling and trying to make it. I do not know how else to put this. I would say this. If you go to the Guinn Center report, it acknowledges that there is an imbalance of wealth within BIPOC communities. In some instances, it is as much as a 40 percent difference. You do not have to stop the process. I am simply saying, Push the pause button.

In Judaism, they call it "tikkun olam." In Christianity, "tikkun olam" means to repair the world. That is looking at things that may not be quite where "God would want them to be." You do all that you can to make sure that they get there. I happen to be a Christian. The book that I read is known as the Bible, and in the New Testament, the Carpenter's Son says it like this: What you have done to the least of these, you have done it unto me.

We are talking about helping the least of these. Many of them have had no money or very little money to even feed their families. To anyone on the phone—Mr. Gordon, we have had this conversation before—I am not saying to stop the process altogether. I am simply saying that what you have done to the least of these, the Carpenter's Son says you have done it unto me.

[[Exhibit P](#) is a letter in opposition to [Senate Bill 186 \(1st Reprint\)](#) that was submitted but not discussed and is included as an exhibit of the hearing.]

**Chair Jauregui:**

Committee members, with that I am going to close the hearing on [S.B. 186 \(R1\)](#). This brings us to our last bill on the agenda for bill hearings today. I do see our presenter here. Committee members, I will now open the hearing on [Senate Bill 307 \(1st Reprint\)](#), which revises provisions related to the sale of alcoholic beverages.

**[Senate Bill 307 \(1st Reprint\):](#) Revises provisions related to the sale of alcoholic beverages. (BDR 52-945)**

**Senator Marilyn Dondero Loop, Senate District No. 8:**

Thank you very much, Chair Jauregui and the members of this Committee, for allowing me to present [Senate Bill 307 \(1st Reprint\)](#). This bill that you will hear for your consideration builds upon our previous efforts concerning the sale and distribution of alcoholic beverages. Almost every session, the Legislature has contemplated and enacted legislation involving malt beverages and distilleries. In the past decade, Nevada's brewery and distillery businesses have grown each year.

According to the American Distilling Institute, craft distilling grew into an almost \$1.8 billion business in 2019, directly employing thousands and indirectly supporting thousands more in related businesses. At retail, these sales were reportedly worth nearly \$3.2 billion. Although the COVID-19 pandemic did drastically affect our craft distillers, Nielsen's market data reports that total alcohol sales outside of bars and restaurants surged roughly 24 percent during the pandemic.

Alcoholic beverages are generally governed by the Twenty-first Amendment to the *Constitution of the United States*. However, individual states control the sale, distribution, and importation of alcohol within the state, and statutes regarding who can possess alcohol within the state. In turn, state laws often assign different roles and responsibilities to local jurisdictions regarding the above issues.

Accordingly, Senate Bill 307 (1st Reprint) contains several provisions addressing each of the above issues, making various changes to the regulation of brew pubs, craft distilleries, suppliers, and wholesalers. At this time, I would like to turn the presentation over to Alfredo Alonso, principal of Lewis Roca Rothgerber Christie LLP, who will further discuss the bill. I will stay as long as I can; I have a meeting that starts at 3:30 p.m. and I know that many of us in this room have to be at that same meeting, but we also have people who are doing bills. So, if you do not mind, when I am ready, I will excuse myself.

**Alfredo Alonso, representing Nevada Beer Wholesalers Association; and Southern Glazer's Wine and Spirits:**

There are basically three parts to what you have before you in S.B. 307 (R1). There were many issues that were occurring within the marketplace. Our discussions with the tax department and how to fix some of those, you will notice in the letter.

Half of the bill, where we deal with the gray market issue in section 6, is an important piece because we have been here before, having a discussion about situations where someone can purchase liquor. We have seen it through private means, from weddings, or from other countries. In many cases, it is not an exclusive agreement with the supplier. They then come in and try to get a license or a certificate of compliance as if they were the exclusive entity. We are trying to fix that and make sure that unless you are the supplier or the official importer for that product, you cannot simply get that license.

The other issue that came up with respect to section 7 was that many years ago, there was discussion about how to allow someone who goes to a distillery—and in this case at the time, it was a small distillery in South Lake Tahoe that wanted to bring back a gallon of these spirits. Assemblywoman Carlton may even remember this. There was nothing in the statute that would allow for this. At the time, we put in language and the Legislature decided to allow it, and the word "import" was put into the statute. Import, today, means a very different thing. We are changing that per discussions with, obviously, the regulators, that "Entering this State with" clarifies what this body had intended at the time [section 7, subsection 2, paragraph (b)].

The last piece that deals with more housekeeping than anything else, and excuse me for skipping around, but if you go back to section 5, subsection 3, it basically says that local governments need to look at this chapter and these sections. We have had some issues with local governments not looking at the statutes and understanding what type of license should be issued to someone. It is nothing new. There is nothing in there that is out of the ordinary. They are simply being directed to look at that as well. The Department of Taxation felt that would be a good way to get them to issue the proper licenses in the future.

Then we go to the heart of the bill for the wholesalers. Those are sections 1 and 3. Section 1 deals with an issue that one of our wholesalers had a couple of years ago now. Many of you may remember the Gialketsis family and Bonanza Beverage Co. What happened in that case was a supplier refused to allow a transfer, which means allow the purchase to go on. They did not say yes, and they did not say no. They essentially just sat on the question and it irreparably hurt this family, hurt their ability to sell their business, and devalued their business significantly.

What we are doing there is basically saying that the original language required 30 days. After extensive discussions with other suppliers, we hope to have an amendment for you here shortly. In fact, it was being worked on as late as probably an hour ago. But it would essentially allow for a 60-day period, and the supplier would grant or deny the request in writing. If there is an opinion, they would indicate what that opinion was and whether it was a yes or a no. There is some additional language that will go in there to make sure that both sides feel it is a fair way to handle this. Either way, the wholesaler would have an answer. Again, there is a process. We think that is a good compromise.

In section 3, subsection 5, is the credit issue. That has probably been the most difficult of all. That deals with a supplier choosing to end credit terms for wholesalers. We are hoping to have something more definitive than this, but right now, we have been trying to work with the suppliers on this and we continue to do that. That is our goal: that in the next 24 hours at most, we hope to have something more definitive.

Currently, what it says is if you are a supplier and you are requiring inventory, you would also have to provide credit for those days of inventory. If you, as a policy, say that this wholesaler has to have 20 days or 15 days of inventory, whatever it is, there would be credit terms for those days. That has probably been the most contentious piece here and we will continue to work on that.

The last piece was on what we call "buybacks," which is essentially a term used when the supplier might owe the wholesaler anything from a group of beer fridges to an overage of some sort. Some of our folks have had trouble getting reimbursed in a timely manner and that can be a real problem. I think there is going to be some new language there as well that I think both sides can live with. It will probably bring that to a 30-day period of some sort under certain circumstances. Again, the hope is to have consensus on that as quickly as possible.

On one of the last pieces, we have been working with some of the brew pubs. They indicated that some are trying to get more beer to sell in Nevada, but they also have obligations outside of the state of Nevada. These are small brew pubs, probably on the bigger side. We worked with them to come up with an idea that essentially allows them to sell—without hurting those caps—an additional 20,000 barrels outside of the state so they would be able to export more. This leaves us with more beer for our wholesalers and public in Nevada. You will probably hear from one of the folks who we have been working with, Jeremy Warren at Revision Brewing Company. I believe he is going to be on the phone or online to discuss his situation as well.

But again, my hope is that we come back to you with an amendment that everyone can live with. This has been a very tenuous and difficult situation, but the hope is to make this as simple as possible. I have got Leif Reid on the line as well. If there are any questions or if he has something that I missed, perhaps he can go into it.

**Chair Jauregui:**

Was Mr. Reid going to provide remarks as well?

**Alfredo Alonso:**

Yes, ma'am.

**Leif Reid, representing Nevada Beer Wholesalers Association; and Southern Glazer's Wine and Spirits:**

I do not have anything to add. I am happy to answer questions. We did not give a lot of the background. Very briefly, the main provision in dispute was enacted four years ago. We urged the Legislature to codify protections that had been negotiated by the Department of Justice to ensure that small producers of beer and craft liquors would have access to the market. That is why that provision is so important.

I do not need to go into detail on that, but that is why the provision is there. We are trying to negotiate a solution where the breweries can be more satisfied with that provision. But in the event they are not, we have that provision there that the Legislature enacted for an important purpose, which is to prevent the monopolization of the beer and liquor market. I would conclude with that unless any questions are directed to me.

**Chair Jauregui:**

At this time, are we ready to go into question and answer, Senator Dondero Loop?

**Senator Dondero Loop:**

We are.

**Chair Jauregui:**

Committee members, any questions for our presenters?



**Assemblywoman Carlton:**

My curiosity was piqued. I had heard about this briefly earlier, about the wholesaler's relationship, the amount of stock that needs to be kept, and the credit issue. Just knowing that if I have a contract and with the way the system works, if I decide to carry a certain brand, I am required to carry a minimum inventory. I do not get to choose how much I am going to order. I am told what the inventory is going to be.

But then there was apparently an issue with the credit. I guess I want to understand exactly how these are going to fit together. If it is mandated that I have to carry that inventory if I want that product, but I am not given the same amount of time on credit to actually pay for it, the business relationship puts me at a disadvantage because I am having to pay out.

I am just trying to figure out how this all works. If it ends up being cash on demand, it is an even bigger burden because I am being told how much to carry, but then I end up having to pay cash on delivery. We know what stock looks like. We are not talking small stock here, I understand; we are talking warehouses full. So, I would like to understand that provision a little bit better.

**Alfredo Alonso:**

With respect to our wholesalers, I think it is important to note that a wholesaler pays the state excise tax the moment they get the beer. Whatever liquor it is, wholesalers pay the state before they do a thing. The state is made whole immediately.

Second, we have credit terms. We are required to provide credit terms to every one of our customers, no matter how small the bar is, up to a casino and everyone. It is essentially 45 days before you can go on cash on delivery (COD). As everybody knows, during the pandemic we have all gone far and exceeded that to make sure our partners on the retail side have product, even though in some cases, we have gone beyond that. The whole goal was to keep folks solvent and around.

What has happened to some of our wholesalers is that a particular supplier cut our credit in response to what was passed four years ago. They have their reasons for it. We disagree with that. It just makes the marketplace so much more difficult when you have to go COD on required inventory and yes, in many cases it is a very large amount.

Mind you, for some wholesalers it is easier than others. Obviously, our smaller folks have a much more difficult situation. Those that may carry some debt may be on a credit line. They are actually having to pay interest to pay that off. It makes things more difficult when they are giving the rest of their customers credit, but they have none themselves. That is basically how it would work.

**Chair Jauregui:**

I want to repeat that just so I understand it. They have to pay cash on demand, so they are instantly out the money that they pay for the inventory right away. Then they have to pay state excise taxes on top of that, so they are out the taxes. Then—this is the part I want

clarification on—is it in statute? Are they required by statute to extend credit for 45 days? So then, if by statute they are required to extend credit for 45 days, now they are also out that. They really cannot make up that money for a possible 45 days.

**Alfredo Alonso:**

Correct, Madam Chair. Again, I think it is really important because it is the value of money for every one of these individuals in this environment where our sales are down. On-premises is finally coming back, but it has been a year of doing our best and keeping our employees. Our folks have worked very, very hard to do that. At the end of the day, we are extending as much credit as we can. It certainly makes it a difficult go.

**Senator Dondero Loop:**

I am going to excuse myself because there are only two members in my committee, so I need to be one of the two. Thank you very much for your time, and I will leave my bill in the capable hands of Mr. Reid and Mr. Alonso.

**Chair Jauregui:**

We appreciate your joining us, Senator Dondero Loop. We understand duty calls. Committee members, any other questions for our bill presenters? [There were none.] I am going to move on to the testimony portion of the bill hearing. I am going to start with testimony in support. I do not see anyone in Carson City for support. Is there anyone on Zoom?

**Jeremy Warren, Chief Executive Officer and Brewmaster, Revision Brewing Company, Sparks, Nevada:**

We are in support of S.B. 307 (R1). This bill will allow Revision Brewing Company to invest over \$8 million into future expansion projects into Sparks, Nevada, and Las Vegas, Nevada. With these expansions, it is going to help us create between 30 to 50 more jobs, mainly in the Las Vegas market with some additional jobs in the Sparks market.

Senate Bill 307 (1st Reprint) will also help Revision to be more competitive with out-of-state suppliers through production capacity increases by allowing Revision Brewing Company to tap into a better economy of scale. As a representative of Nevada's largest brewery, we feel nothing in this bill will inhibit the growth of Nevada's craft beer industry, and it will protect our local distributors from unfair practices imposed on them from large out-of-state suppliers.

Finally, I would like to also add that Sean Turner, the owner of Mammoth Brewing Company in Mammoth Lakes, California, which just acquired Lead Dog Brewing Company in Sparks, Nevada, wanted me to express, on his behalf, full support for S.B. 307 (R1).

**Chair Jauregui:**

Could we move on to the phone line, please? [There was no one.] Is there anyone in Carson City wishing to testify in opposition?

**Michael Hillerby, representing Anheuser-Busch Corporation:**

As Mr. Alonso alluded to, we are in active negotiations now and are optimistic that there may be something to bring before you to work out the details. Having been involved in these issues for a number of years, as have some of you, we know that it is not particularly productive to have these disagreements in front of you on fairly sophisticated contractual terms. That is not something on which you would want to spend much of your time.

I will just focus on our opposition, specifically to sections 1 and 3 of the bill as written. We do in fact want to figure out ways to extend credit. We want to do that in a way that gets the Anheuser-Busch Corporation and other suppliers useful financial information, provides the necessary protections for the wholesalers on information they provide, and keeps parts of that confidential, but would enable suppliers like Anheuser-Busch to be able to extend credit again.

Also, in terms of the transfer of ownership in section 1, that is another area where, again, we do not think we are too far off. One of the key provisions of that is in line 1 on page 3, where it talks about the wholesalers' rights and obligations under the contract. Those contracts include specific information about what is required to activate that transfer process. One of the things we are working on is when that clock starts ticking, and whether it is on the notice of the request or upon submission of complete information as required by the contract.

Again, I think that there has been productive movement made over the last few days. As Mr. Alonso alluded to, we understand you have a deadline coming up, as do we all. If you could give us and encourage us to get this done in the next 24 hours or so, we would love to come back to you with something that makes this work for the different parties. I would be happy to answer questions.

**Assemblywoman Dickman:**

It is not really a question, but I think so many parts of this bill are great. The parts where we have issues, I am glad to hear you are working on them, and I hope we can work them all out.

**Chair Jauregui:**

Committee members, any questions?

**Assemblywoman Carlton:**

As has been aptly said, this is not my grandfather's Anheuser-Busch, and I mean that literally. He was a Teamster at the brewery in St. Louis, so I grew up with Anheuser-Busch being part of my family. Currently, Anheuser-Busch is no longer Anheuser-Busch; it is InBev, correct?

**Michael Hillerby:**

Anheuser-Busch InBev [Anheuser-Busch InBev SA/NV], I believe, is the corporate name of the company. It is a part of a larger company now. They remain proud of their Teamster heritage, their active Teamster participation around the United States, and the jobs that they help create.

**Assemblywoman Carlton:**

We will not debate that at this moment.

**Chair Jauregui:**

Committee members, any other questions? [There were none.] Is there anyone else in Carson City? [There was no one.] Is there anyone on Zoom? [There was no one.] Could we please go to the telephone line?

**Katie Jacoy, Western Counsel, State Relations, Wine Institute:**

The Wine Institute is a public policy association representing over 1,000 California wineries and associated members. We are here this afternoon in opposition to S.B. 307 (R1).

We have submitted testimony to the Committee [[Exhibit Q](#)] and oppose the bill because it amends the Nevada Franchise Act to add even more state-mandated terms to the private contracts between wineries and wholesalers, to the detriment of wineries and the benefit of wholesalers. The law effectively ties wineries to their existing wholesalers and makes it virtually impossible for new wholesalers to enter the market. This state-mandated stifling of competition results in higher prices and reduced service, which harms consumers.

Since the franchise law was enacted, there has been significant consolidation of the wholesale tier. Now, national mega-wholesalers have substantial control over the market due to the lack of alternatives. There is no longer equal bargaining power that is rectified by state-mandated franchise protection. We do not see any public policy purpose in adding even more restrictive terms that further entrench the giant wholesalers.

Section 1, subsection 1, requires the supplier to approve the sale of its Nevada wholesaler within 30 days after receiving notice. A wholesaler is critical to the survival and growth of a supplier's brand, and 30 days is not enough time to evaluate a new wholesaler in a large market. The supplier may need to meet with the new wholesaler and gather additional information to determine if the standards are met. The state-mandated 30-day timeframe is [unintelligible].

Section 3, subsection 13, prohibits materially different payment terms, requiring payments to wholesalers versus wholesaler payments to wineries. However, these are very different commercial transactions. Almost all wholesaler payments already purchase the wine, which is a standard business transaction. In contrast, winery payments to wholesalers are typically for special promotions. The winery needs to verify reports submitted to the wholesaler and payment delays can occur due to inadequate information from a wholesaler. To legislate against wineries for unintentional payment delays is an unfair intrusion into business practices. We do hope to continue to work with the wholesalers and come to an agreement on amended language on these two sections.

**Brian Reeder, representing MolsonCoors Beverage Company:**

To be brief, I will just say that we agree with the testimony from Mr. Hillerby. That is not to say we do not value our relationships with our distributors, and we look forward to further work this week.

**Tom Clark, representing Distilled Spirits Council of the United States:**

I, too, just want to echo the opposition comments of Mr. Hillerby and the others. We very much look forward to continued communications with the wholesalers and others on this particular bill.

**Chair Jauregui:**

Is there anyone here in Carson City wishing to testify in the neutral position? [There was no one.] Is there anyone on Zoom? [There was no one.] Can we check the telephone line? [There was no one.]

At this time, I would like to call Mr. Alonso up. I know there is an amendment on the Nevada Electronic Legislative Information System to S.B. 307 (R1) [\[Exhibit R\]](#). Did you want Senator Goicoechea to present it?

**Alfredo Alonso:**

Yes. We had conversations with Senator Goicoechea about some issues that were in a previous bill dealing with wine, and we have looked at what he is attempting to do here. We do not have a problem with it.

**Senator Pete Goicoechea, Senate District No. 19:**

Thank you, Madam Chair and members of the Committee, for hearing this amendment [\[Exhibit R\]](#). I have talked to the bill sponsor as well as Mr. Alonso and we have got three key pieces of this bill. It is really for a couple of wineries down in southern Nevada, but it does impact wineries all across the state.

What it really does is allow for a non-contiguous location for a winery as long as they are both licensed. So technically, they do not all have to be in one facility as long as they are licensed. The other piece of it is that it would allow for a winery to sell alcoholic beverages at the tasting room or winery as long as they are licensed by the local jurisdiction. I know there is at least one person on Zoom who would testify and who does own a Pahrump winery down there.

The third change in it is that it is required that 25 percent of the fruit used in wine has to be Nevada fruit. This would also require in the production of mead that at least 25 percent of the honey that was used be grown in the state. The biggest change is that it would go from "Sell at retail or serve by the glass, on its premises, not more than . . ." presently, 1,000 cases, and this would move it to 2,000 [pages 2 and 3, [Exhibit R](#)]. Their argument is that because the fruits, the grapes in the state, fluctuate so much depending on the year and the frost, it does not give them enough stability there with 1,000 cases. They would like to move that to 2,000 cases.

That is pretty much what the amendment does. It does it in a couple of different sections, but that is really what it is. You can have non-contiguous locations as long as they are licensed as a separate location. They can be considered one winery and sell—moving from 1,000 cases to 2,000 cases—alcoholic beverages on the premises to give them a little more market stability. That is the long and short of what the amendment does.

Most of you are familiar with Pahrump Valley Winery down in Pahrump if you have ever been in southern Nevada. It is a very nice place owned by Bill Loken. Then we have got Tim Burke, who has another one. We are trying to develop an industry. Again, the requirements are that 25 percent of it has to be Nevada fruit—which in fact will develop in my area, which is agriculture—so we can get some vineyards and production going that way. Mr. Alonso and Senator Dondero Loop were gracious enough to allow me to try to tag this bill on to see if we can get a little economic development. Going with that, I know Tim Burke is probably on Zoom and could testify a little better to it if you have any questions.

**Chair Jauregui:**

I think we will hold off because we have heard this bill before, Senator Goicoechea, so I do not want to have a bill hearing on a bill that we have heard. Thank you for presenting the amendment [[Exhibit R](#)]. I will just go to the Committee to see if they have questions for you on the amendment. Committee members, any questions? [There were none.] Mr. Alonso, would you like to give any closing remarks on Senate Bill 307 (1st Reprint)?

**Alfredo Alonso:**

I just wanted to thank the Committee for allowing us to present to you today. If anyone has any questions after the fact, I would be glad to answer any of them. We will continue working on this.

**Chair Jauregui:**

Committee members, I will now close the hearing on Senate Bill 307 (1st Reprint). With that, we are going to come back into our work session. I inadvertently had incorrect notes and was not supposed to roll Senate Bill 245 (1st Reprint). We thought we had another bill on here, so I want to let the bill sponsor, Senator Lange, know that I do apologize for that. It was confusion on my end. I am going to hand it back over to our policy analyst to bring us back into work session and present Senate Bill 245 (1st Reprint).

**[Senate Bill 245 \(1st Reprint\)](#): Makes changes regarding employment. (BDR 53-829)**

**Marjorie Paslov-Thomas, Committee Policy Analyst:**

[Ms. Paslov-Thomas read from [Exhibit S](#).] Senate Bill 245 (1st Reprint) makes changes regarding employment. It is sponsored by Senator Lange and was heard by the Committee on May 3, 2021.

Senate Bill 245 (1st Reprint) requires that the Labor Commissioner decline jurisdiction of a claim for wages or other complaint if the claimant is covered by a collective bargaining agreement that provides the claimant with an exclusive remedy or other relief for a violation of its terms until the remedies, other relief, and appeals are exhausted. The Labor Commissioner may, however, take jurisdiction of such a claim or complaint under certain circumstances.

The bill also revises the definition of "wages" to include amounts owed to a discharged employee or an employee who resigns or quits and whose former employer fails to pay the employee by the statutory deadlines. There is one proposed amendment and there is a mock-up attached. Senator Lange proposes the following amendment:

1. Amend the bill to authorize an employee to bring a civil action against an employer for up to two years after the employer's failure to pay wages, compensation, or salary to an employee upon termination as required under existing law. The Labor Commissioner is prohibited from taking jurisdiction of a claim for unpaid wages upon termination during the pendency of a civil action for the same wages.

**Chair Jauregui:**

Committee members, any questions on the bill or amendment before you?

**Assemblywoman Carlton:**

I know this was an issue that was brought up in the hearing and we thought we were perfectly clear. Apparently, we need to be crystal clear. I appreciate the amendment, and as long as the amendment does not slow down the bill, I am ready to make a motion.

**Chair Jauregui:**

Committee members, any questions? [There were none.] I would accept a motion to amend and do pass S.B. 245 (R1).

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS  
SENATE BILL 245 (1ST REPRINT).

ASSEMBLYMAN FLORES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, HARDY,  
KASAMA, AND O'NEILL VOTED NO. ASSEMBLYMEN FRIERSON  
AND TOLLES WERE ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblywoman Duran. Thank you for being here, Senator Lange, and for coming back.

That will move us into the last agenda item for our meeting, which is public comment. [Protocol concerning public comment was discussed.] Do we have anyone on the phone line wishing to give public comment? [There was no one.] Committee members, you should have received a revised agenda for the meeting on Wednesday, May 12, 2021. Please note the start time of 1 p.m. Are there any other comments from Committee members? [There were none.] We are adjourned [at 3:48 p.m.].

RESPECTFULLY SUBMITTED:

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Louis Magriel  
Committee Secretary

APPROVED BY:

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Assemblywoman Sandra Jauregui, Chair

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



## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the work session document for [Senate Bill 122 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the work session document for [Senate Bill 248](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a proposed amendment to [Senate Bill 248](#), dated May 6, 2021, presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is a collection of letters from various organizations and businesses submitted by Kristina Kleist, representing Nevada Collectors Association, in opposition to [Senate Bill 248](#).

[Exhibit G](#) is the work session document for [Senate Bill 260 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is a proposed amendment to [Senate Bill 190 \(1st Reprint\)](#) dated May 8, 2021, presented by Senator Nicole J. Cannizzaro, Senate District No. 6.

[Exhibit I](#) is written testimony dated May 10, 2021, presented by Caroline Mello Roberson, Southwest Regional Director, NARAL Pro-Choice Nevada, in support of [Senate Bill 190 \(1st Reprint\)](#).

[Exhibit J](#) is written testimony submitted by Ken Kunke, Executive Secretary, Nevada Pharmacy Alliance, in support of [Senate Bill 190 \(1st Reprint\)](#).

[Exhibit K](#) is an infographic submitted by Ken Kunke, Executive Secretary, Nevada Pharmacy Alliance, in support of [Senate Bill 190 \(1st Reprint\)](#).

[Exhibit L](#) is a letter dated May 7, 2021, submitted by KayLynn Bowman, Private Citizen, Henderson, Nevada, in support of [Senate Bill 190 \(1st Reprint\)](#).

[Exhibit M](#) is a letter dated May 10, 2021, submitted by Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada, in support of [Senate Bill 190 \(1st Reprint\)](#).

[Exhibit N](#) is written testimony dated May 10, 2021, submitted by Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics, in neutral to [Senate Bill 190 \(1st Reprint\)](#).

[Exhibit O](#) is a proposed conceptual amendment to [Senate Bill 186 \(1st Reprint\)](#) dated May 9, 2021, presented by Senator Pat Spearman, Senate District No. 1.

[Exhibit P](#) is a letter submitted by Marilyn Brainard, Nevada Chapter, Legislative Action Committee, Community Associations Institute, in opposition to [Senate Bill 186 \(1st Reprint\)](#).

[Exhibit Q](#) is written testimony dated May 10, 2021, presented by Katie Jacoy, Western Counsel, State Relations, Wine Institute, in opposition to [Senate Bill 307 \(1st Reprint\)](#).

[Exhibit R](#) is a proposed amendment to [Senate Bill 307 \(1st Reprint\)](#) presented by Senator Pete Goicoechea, Senate District No. 19.

[Exhibit S](#) is the work session document for [Senate Bill 245 \(1st Reprint\)](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.