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

Eighty-First Session
March 26, 2021

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 12:11 p.m. on Friday, March 26, 2021, Online. 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.

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:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Assemblyman Howard Watts, Assembly District No. 15
Assemblywoman Selena Torres, Assembly District No. 3

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Terri McBride, Committee Manager
Julie Axelson, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

David Brody, Counsel and Senior Fellow for Privacy and Technology, Lawyers' Committee for Civil Rights Under Law
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Misty Grimmer, representing Nevada Resort Association
Amber Stidham, Vice President, Government Affairs, Henderson Chamber of Commerce
Dora Martinez, representing Nevada Disability Peer Action Coalition
Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada
Dinisha Mingo, CEO, Mingo Health Solutions, Las Vegas, Nevada
Sandra Gray, Owner, Innovation Behavioral Health Solutions, LLC, Las Vegas, Nevada
Paige Barnes, representing Nevada Nurses Association
Lorenzita Santos, Outreach Coordinator, One APIA Nevada
Eric Jeng, Director of Outreach, Asian Community Development Council
Alyssa Cortes, Program Associate, Silver State Equality
Jake Wiskerchen, Private Citizen, Sparks, Nevada
Alexis Tucey, Deputy Administrator, Community Services, Division of Child and Family Services, Department of Health and Human Services
Lea Case, representing Nevada Psychiatric Association
Daniel Pierrott, representing Nevada Academy of Physician Assistants
Lisa Scurry, Executive Director, Board of Psychological Examiners
Whitney E. Koch Owens, Psy.D., President, State Board of Psychological Examiners
Barbara Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry
Tom Clark, representing Nevada Association of Health Plans
Terri Chambers, representing Nevada Self-Insured Group Consortium
Charlie Shepard, President, AARP Nevada

Chair Jauregui:
[Roll was called.] We have four bills for hearing and four bills on work session. I am going to start with the work session. When we go into the bill hearing portion, I am going to take the bills out of order. I will start with Assembly Bill 207, then move to Assembly Bill 327, Assembly Bill 366, and we will end with Assembly Bill 45.

With that, we will begin the work session portion. The first bill on work session today is Assembly Bill 177. We have Ms. Paslov-Thomas to walk us through the bill.

Assembly Bill 177: Revises provisions relating to prescriptions. (BDR 54-61)

Marjorie Paslov-Thomas, Committee Policy Analyst:
The first bill is Assembly Bill 177. It revises provisions relating to prescriptions. It was sponsored by Assemblywoman Benitez-Thompson and was heard by the Committee on March 10, 2021 [Exhibit C].

Assembly Bill 177 requires a pharmacy, except an institutional pharmacy, to provide the information required to be included on the label of a prescription drug and any other information prescribed by regulations adopted by the State Board of Pharmacy in English and, upon request of a prescribing practitioner, patient, or authorized representative of a patient, any language prescribed by the Board.

A pharmacy must post in a conspicuous place a notice informing the patient that he or she may request this information in a language other than English along with a list of languages in which the information is available.

If a pharmacy enters into a contract with a third party for the translation of the information required to be provided by the pharmacy, the pharmacy and any employee of the pharmacy is not liable in any civil action for any injury resulting from the translations by the third party which is not the result of negligence, recklessness, or deliberate misconduct of the pharmacy or employee.

There are four proposed amendments by the sponsor. They are:

1. Amend subsection 1 of section 1 of the bill, line 8, to replace "any language" with "languages to be identified by the State Board of Pharmacy based on demographic trends and projections," for the purposes of requiring the Board to, in determining the languages in which the information is required to be provided, base its determinations on demographic trends and projections.

2. Delete subsection 3(b) of section 1 of the bill and the corresponding language in subsection 1 of section 1 of the bill to eliminate any requirement that information other than information required to be included on a label be printed in a language other than English.

3. Delete subsection 5 of section 1 of the bill, which provides immunity from civil liability to a pharmacy or employee for injuries resulting from the translation of information by a third party which is not the result of negligence, recklessness, or deliberate misconduct of the pharmacy or employee.

4. Amend subsection 2(b) of section 2 of the bill to change the effective date from October 1, 2021, to January 1, 2022, for all other purposes.

Chair Jauregui:
Is there any discussion?

Assemblywoman Tolles:
I want to thank the sponsor for conversations we had about concerns that were raised. I appreciate some of the amendments, particularly extending the timeline. I appreciate the value of what is trying to be accomplished with this bill, but I still have some concerns, particularly with the immunity being removed. I will be voting no, but I want to get on the record that I do appreciate the conversations I had with the sponsor in regard to this legislation and its intent.

Chair Jauregui:
Is there any other discussion? [There was none.] I will accept a motion to amend and do pass.

> ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS ASSEMBLY BILL 177.
>
> ASSEMBLYMAN FLORES SECONDED THE MOTION.

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

> THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, HARDY, KASAMA, O'NEILL, AND TOLLES VOTED NO.)

I will assign the floor statement to Assemblywoman Marzola. The next bill on work session for today is Assembly Bill 190.

Assembly Bill 190: Provides certain employees with the right to use sick leave to assist certain family members with medical needs. (BDR 53-379)

Marjorie Paslov-Thomas, Committee Policy Analyst:
Assembly Bill 190 was sponsored on behalf of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. It was heard on March 17, 2021 [Exhibit D].

Assembly Bill 190 requires a private employer that provides employees with sick leave to allow those employees to use accrued sick leave to assist a member of the employee's immediate family with certain medical needs. The employer may limit the amount of family sick leave employees may use to an amount that is equal to, not less than, the amount of sick leave that the employee accrues during a six-month period.

Additionally, the Labor Commissioner is charged with enforcing these provisions and must prepare and post a bulletin explaining these requirements. A private employer that provides employees with sick leave must post the bulletin in the workplace.

There is one proposed amendment by Barry Gold with AARP Nevada, and that is to amend the bill to explicitly exclude parties to collective bargaining agreements from the provisions of the bill.

Chair Jauregui:
Is there any discussion?

Assemblywoman Kasama:
I am just curious about excluding it from collective bargaining agreements. Is that typically already included in the other collective bargaining agreements?

Chair Jauregui:
I believe we do have the bill sponsor here to answer your question.

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:
That was brought up during the Committee hearing, and we attempted to just get it on the record that it was not our intent to have them included, but it was determined that we should actually spell that out.

Chair Jauregui:
Is there any other discussion? [There was none.] I will accept a motion to amend and do pass.

> ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS ASSEMBLY BILL 190.
>
> ASSEMBLYWOMAN HARDY SECONDED THE MOTION.

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

> THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Bilbray-Axelrod. The third item on our work session today is Assembly Bill 227.

Assembly Bill 227: Revises provisions relating to contractors. (BDR 54-720)

Marjorie Paslov-Thomas, Committee Policy Analyst:
Assembly Bill 227 revises provisions relating to contractors, and it is sponsored by Assemblywoman Carlton. It was heard on March 22, 2021 [Exhibit E].

Assembly Bill 227 provides that a contractor may personally perform work that requires a contractor's license or may perform the work by or through employees of the contractor or of another contractor. Additionally, those persons or a person employed by a private employment agency licensed by the Labor Commissioner may perform for a contractor work that does not require a contractor's license.

The measure revises the list of acts that constitute cause for disciplinary action against a licensee by the State Contractors' Board to include entering into an agreement with a natural person who is not an employee of the licensed contractor and not licensed as a contractor to perform for the licensed contractor any work that requires a contractor's license. In addition to any disciplinary action or other action that may be taken against the licensed contractor, such an agreement is void and unenforceable. There are no proposed amendments.

Chair Jauregui:
Is there any discussion?

Assemblywoman Carlton:
I know there has been a lot of conversation about amendments. The proposed amendment in the Committee hearing was not a friendly amendment. It was a "gut the bill" type of amendment. I am working with some parties on trying to address some of the issues brought up. Unfortunately, with the time that has been involved, they are currently working on it. I told them to keep working on it. We are taking into account some of those considerations, but with the limited amount of time, I did not want to ask you to pull the bill. I will continue working on it because I believe it is important to address the issues but not allow someone to amend the bill to the point where they could drive a Mack truck through it.

Assemblywoman Tolles:
I would like to thank Assemblywoman Carlton for being so accessible and amenable to talking through some questions in regard to that process. I am enthusiastic that those conversations are still going on. I am hopeful to support this on the floor, but it is my understanding that it is cleaner for the record to vote on what we have before us. Today, I am voting no, but I am hopeful those conversations can continue and get to a place where the stakeholders can come to an agreement.

Chair Jauregui:
Is there any other discussion? [There was none.] I will entertain a motion to do pass.

> ASSEMBLYMAN FLORES MADE A MOTION TO DO PASS ASSEMBLY BILL 227.
>
> ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

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

> THE MOTION PASSED. (ASSEMBLYMEN DICKMAN, HARDY, KASAMA, O'NEILL, AND TOLLES VOTED NO.)

I will assign the floor statement to Assemblywoman Carlton. The last item on our work session today is Senate Concurrent Resolution 1.

Senate Concurrent Resolution 1: Urges employers in this State to provide personal protective equipment to employees to prevent the spread of COVID-19. (BDR R-189)

Marjorie Paslov-Thomas, Committee Policy Analyst:
Senate Concurrent Resolution 1 was sponsored by Senator Hardy and heard on March 3, 2021 [Exhibit F]. It urges employers in Nevada to provide personal protective equipment to employees to help prevent the spread of COVID-19. There are no proposed amendments.

Chair Jauregui:
Is there any discussion? [There was none.] I will entertain a motion to adopt.

> ASSEMBLYWOMAN CARLTON MADE A MOTION TO ADOPT SENATE CONCURRENT RESOLUTION 1.
>
> ASSEMBLYMAN FLORES SECONDED THE MOTION.

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

> THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hardy. That concludes the work session portion of our agenda. [The complete set of work session documents, Exhibit G, was submitted and will become part of the record.]

We will move to bill hearings. We will start with Assembly Bill 207, and I will open the hearing on Assembly Bill 207. I believe we have Assemblyman Watts to present the bill. Welcome to the Assembly Committee on Commerce and Labor, Assemblyman Watts.

Assembly Bill 207: Provides that certain businesses which offer goods or services through an Internet website, mobile application or other electronic medium are places of public accommodation. (BDR 54-567)

Assemblyman Howard Watts, Assembly District No. 15:
I am joined by David Brody of the Lawyers' Committee for Civil Rights Under Law. If it is all right with the Chair, I will speak briefly on what motivated me to bring this measure forward, the intent of the bill, and then I will turn it over to Mr. Brody to provide some additional background and context. Then we will be glad to take any questions the Committee may have.

In 2011 before I was a member of this body, I assisted members of our LGBTQ+ community in an effort to update our state's nondiscrimination laws to be fully inclusive. In that effort, there were three real components: updating our laws regarding employment, housing, and public accommodations. Those efforts were successful, making us an early national leader and legally protecting all Nevadans from discrimination. Nevada's current public accommodation law protects us from being discriminated against on the basis of our race,

color, religion, national origin, disability, sexual orientation, sex, gender identity, or gender expression at places where the public is invited or when public use in intended, including most businesses. However, in the following decade, this law has not kept pace as a greater share of our interactions have moved from brick and mortar to the digital realm—a shift that has been clearly highlighted by the pandemic and is demonstrated by the fact that this very hearing is happening right now via Zoom.

Assembly Bill 207 looks to address this by clarifying that our public accommodation protections apply when people are engaged in ecommerce. Section 1 of the bill defines an "online establishment" and adds them to the definition of "place of public accommodation" for the purposes of our nondiscrimination laws. Section 2 of the bill looks to mirror an existing exemption in those laws for some private clubs by defining and including private online chat forums with fewer than 1,000 members.

It is clear to me that the importance of online venues in our daily lives is growing. In many ways, the removal of the human element in some of these transactions can actually reduce the opportunities for discrimination. When those interactions and decisions occur, I believe it is critical Nevadans enjoy the same protections they would when they walk into a brick-and-mortar business. To use a well-known example from recent current events, here in Nevada you cannot be denied service at a bakery for who you are. However, if somebody was operating an online-only cake shop and they chose to do so, under our current laws, it is unclear what protection or recourse Nevadans would have. Assembly Bill 207 aims to cross that digital divide and level the playing field so all businesses operating in this state are open fairly to all Nevadans. With that, I would like to turn it over to Mr. Brody, and then, as stated, we will take any questions you have.

[Written testimony was submitted, Exhibit H.]

David Brody, Counsel and Senior Fellow for Privacy and Technology, Lawyers' Committee for Civil Rights Under Law:

The Lawyers' Committee for Civil Rights Under Law is a nonprofit, nonpartisan racial justice organization founded in 1963 at the request of President Kennedy to combat discrimination and inequality of opportunity. Our digital justice initiative works on issues at the intersection of civil rights, privacy, and technology, such as discrimination in online commerce, Internet-enabled hate crimes, and discriminatory uses of personal information.

Public accommodation laws are a cornerstone of civil rights protection in the United States. These laws are one of the key mechanisms used to end Jim Crow segregation and discrimination in everyday commerce. Many of these laws were enacted during the civil rights era in response to marches, sit-ins, and boycotts by Black Americans and others seeking equal rights. Today, if a business posts a sign that says "whites only," it should not matter whether it is written in ink or pixels. The discrimination is the same. The harm is the same, and under Nevada law, the legal consequences should be the same.

Public accommodations laws are general purpose antidiscrimination statutes. They state that a business that offers goods or services to the general public must serve everyone regardless of race, gender, religion, national origin, sexual orientation, disability, or other protected characteristics. Classic examples of "place of public accommodation" include hotels, stores, restaurants, theaters, buses, and stadiums. These laws, including Nevada's, typically prohibit two forms of discrimination. First, they prohibit covered businesses from denying service or charging higher prices on the basis of protected characteristics. Second, they prohibit violence, threats, or harassment by third parties when someone seeks to patronize the business. To give a historic example, these laws both prohibit a lunch counter from refusing service on the basis of race as well as prohibit a racist mob from blocking access to the lunch counter.

Despite all of our advances on civil rights discrimination, hate continues today. Sadly, we saw it just last week as hateful violence tore apart businesses run by Asian women in Georgia. Hateful threats and attacks on Asian Americans are spiking nationwide. These types of incidents interfere with the equal enjoyment of places of public accommodation by intimidating our neighbors, especially senior citizens, from feeling safe when going out in public.

These crimes occur online as well. Online threats, harassment, and intimidation frequently target people of color, women, LGBTQ individuals, religious minorities, immigrants, and people with disabilities. The Pew Research Center recently reported that 40 percent of Americans have experienced online harassment, and 25 percent have experienced physical threats, stalking, sexual harassment, or sustained harassment online. These hateful acts interfere with the right to equally enjoy online commerce. They discourage speech and civic engagement, and they cause serious harm. Businesses suffer when customers are not safe. When the users tell the censors or stop using a website because they are being threatened, that user is deprived of their rights to enjoy services offered by that business.

Discrimination also continues to infect the marketplace where consumers of color continue to receive worse treatment and experience unequal access to goods and services. This discrimination increasingly occurs through online business practices. For example, Facebook, Google, and other major tech companies have been sued or investigated repeatedly for discriminating in their advertisements for housing, employment, and credit. Retail websites have been found to charge different prices based on the demographics of the user. Communities of color are targeted by predatory and low-quality, for-profit online colleges. Algorithms that set car insurance rates charge minority neighborhoods higher premiums than white neighborhoods with the same risk levels. Absent antidiscrimination protections, online businesses can refuse service on the basis of race, charge higher prices based on religion, provide subpar products based on gender or sexual orientation, or ignore the accessibility needs for people with disabilities.

Public accommodation laws are meant to close these gaps. However, because most public accommodation laws were written decades before the invention of the Internet, they do not always apply equally online and offline. Assembly Bill 207 seeks to amend the state's public

accommodations statute to ensure Nevadans receive the same protections against discrimination from billion-dollar websites that they do in a mom-and-pop corner store.

Currently, five states explicitly apply their public accommodations law to the Internet: California, Colorado, New Mexico, New York, and Oregon. Wall Street and Silicon Valley are already covered in their home states. Our analysis shows that another 17 states have laws that are likely to apply to the Internet, but their courts have not addressed the question yet. For Nevada's statute, our research shows that it is unclear whether or not the state's public accommodations law applies to online businesses. This legislation clarifies that. Passing this bill would level the playing field between online and offline commerce, requiring online businesses to meet the same nondiscrimination requirements as fiscal businesses and protect the rights of all residents. I am happy to answer your questions.

Assemblyman Watts:
I think that concludes our presentation. One thing I would like to note very briefly is that we are going to have some folks calling in, in opposition. Many of them, especially the Vegas Chamber and the Nevada Resort Association, have reached out, and we have had some conversations. I am open to suggestions to try to address some of the concerns they brought up and ensure the language and intent match up. I wanted to recognize that, and I look forward to continuing those conversations moving forward.

Chair Jauregui:
Are there any questions?

Assemblywoman Carlton:
I do not do things on the Internet along that line. I am trying to wrap my brain around it. I think I know where you are trying to go. Can you give me an example of one of the problems that has arisen that we are trying to solve? I think that would help me understand exactly what you are aiming at. I am not a big Internet person, and I do not do a lot of shopping on the Internet, so I am not familiar with how this process works.

Assemblyman Watts:
One hypothetical example I gave in my testimony was that we are seeing more and more businesses that are based primarily online. For example, there is a place in Las Vegas that makes pizza out of their house but has an online website where you order from and then pick it up. There is not really a brick-and-mortar location. The example I gave in my testimony is you have somebody who operates an online website and bakes cakes, and they get an order for a wedding cake for a LGBT couple. They get the order, get the payment, and decide it is not something they support and cancel the order with no reason or explanation on the basis of discrimination. We would want that to be held to the same standard as somebody who is treated that way when going into a brick-and-mortar business. I would like to turn it over to Mr. Brody briefly to give any examples he has seen in other areas.

David Brody:
One type of example, like Assemblyman Watts was stating, is you could have an ecommerce site where they are selling some sort of goods, and they decide they want to charge women twice the price as men for the same product. Or you could have an online service that is on Facebook or Twitter where they are running advertisements for different types of products and different types of protected economic opportunities such as housing or employment. In their system, they might allow you to target based on location of the user, and you might say, "I want to send my ad to everyone in Las Vegas, but not this ZIP Code or that ZIP Code." At least on Facebook, it will literally draw a red line around the excluded ZIP Code you are not serving the advertisement to. As we know from many years of research, that form of redlining has a high correlation with race and results in racial discrimination.

In the other vein on the other side of what public accommodations protect, there is a large amount of research about the prevalence of online threats, especially against women and people of color. It causes them to withdraw from engaging in the public sphere at greater rates. If someone went into a department store and started screaming in someone's face, they would be thrown out in five minutes. That kind of behavior would not be tolerated. When it happens online, for whatever reason, people have sort of decided this is okay, and this is just the way it is. As a result, there are people who are scared away from using services because they are afraid of being harassed, targeted, stalked, receiving death threats, and receiving rape threats. That is interference with their right to patronize those businesses or those websites.

Assemblywoman Carlton:
I guess I am just having a hard time, especially with the last comments, trying to figure out how all the pieces of this come together. I have worked with this discrimination issue within public accommodations ever since I partnered with Senator Parks back in 1999 when we first started changing some things in statute. I do understand the issue. I am just having a hard time figuring out how it all fits in the Internet world. I will keep working on it.

Chair Jauregui:
I do want to clarify something. Mr. Brody gave the example of employment and Facebook, but there have been Internet or online organizations that have already taken steps. That is one of the things that Facebook does not allow when it comes to housing, mortgages, credit, or employment. They do not allow you to run advertisements based on gender, age, ZIP Code, or interests any longer to avoid that type of redlining. That is not something you can do on their platform any longer.

Assemblywoman Kasama:
I am certainly in favor of the bill the way it is written, but I was concerned with Mr. Brody's comment where you talked about online advertising. I never thought about that until you said that. For example, if I have a restaurant, and I only want to advertise three miles in a radius from my restaurant, you made it sound now like that would be discriminatory if you do not blanket the entire Clark County. A lot of people do advertising based on what they

can afford and what is best for their business. In my example, if they have so much money, such as $200 per month, and they only advertise to the those closest to their business, now I am concerned with unintended consequences based on your comment. This might affect businesses. How are they going to advertise when their budget is limited?

David Brody:
Let me clarify because this is a really important point. The statute prohibits intentional discrimination. When you are targeting your ad, you must have the intent to exclude one of the protected groups. If what you are doing is saying I want to target the five miles around my business, that is a perfectly legitimate way to target. That is not based on some sort of personal animus against race, sex, or what have you. This is a reasonable business practice and a reasonable way to make a decision on how to target one's advertisements. It does not have the intentionality component that the statute requires.

Assemblyman Watts:
I want to reinforce that. That is one of the key pieces of intent of the bill. There has to be a discriminatory act. You may hear some other people in opposition providing certain scenarios and wonder how this might capture things where there is no human interaction. That is one of the things I mentioned in my testimony. Oftentimes, a transaction either goes through or it does not. It is essentially automatic, and if it gets turned down, it is because the payment method was not correct or something else just did not work. That would have absolutely no basis for a discrimination claim. There has to actually be information that allows somebody to know or make an assumption about the characteristics of the person they are interacting with. You must have some idea of the race, gender, et cetera, either when you are advertising and creating two different types of advertisements; or when you are having a transaction occur and use that information to make a discriminatory action such as denying something, offering differential pricing or subpar services as a result. That is one of the things I want to make sure we get on the record early. The intent of this bill is it requires a discriminatory action and intent from one human being to another. The difference is we are trying to capture when this happens through the medium of the Internet as opposed to a brick-and-mortar business and make sure people have the same protections no matter where they are.

Assemblywoman Kasama:
I can agree with that. I am looking at the bill, and I might not see it, but where does it say "discriminatory intent"? Maybe you do not have to answer that right now, but I cannot seem to find that in there. That does make sense. That would be a concern that we do not harm businesses that are equally providing to all people, but their services are just for one area.

David Brody:
My understanding is the existing law includes the intent requirement. This bill only amends the definitions of what counts as a place of public accommodation.

Assemblywoman Kasama:
I will look at that.

Assemblywoman Dickman:
I appreciate your presentation and the fact that you want to deal with technological advances. You gave a lot of examples of hypotheticals and things that could happen or might happen. Do you have any more specific examples of something that actually has happened?

Assemblyman Watts:
There was not a specific instance here in the state of Nevada that led me to bring this forward. I just wanted to make sure the law is equal and protects people whether they are online or in a brick-and-mortar establishment for the same type of transaction. I will turn it over to Mr. Brody if there have been any specific examples that have been noted.

Although one last thing I will note, and Mr. Brody can probably speak to this as well: there are not many times when public accommodations law is actually invoked and leads to complaints and litigation. I would say that not having this protection in place in our state law so people know about it probably has a further chilling effect. If somebody gets discriminated against online, and they do not know how to prove it or if there is any legal basis to even take any action on it, they are not going to file a complaint with the Nevada Equal Rights Commission, for example, and we will not have any data or examples here that we can provide. I believe by putting this into place, I do not think there is necessarily a raft of this behavior, but once we have something in place, then we will be able to gather the data of when and where it does occur.

David Brody:
I can give you a very recent example that was just in the news about a week or so ago. The news outlet *The Markup*, which does tech investigative journalism, reported that public service announcements from public health agencies about COVID-19 were disproportionately underdelivered to Black Facebook users. Black users of Facebook were getting about one-third to one-half as many public service announcements with really important COVID-19 public health information from the Department of Health and Human Services and other public health agencies. As a result, most likely, of the way the platform's advertising system is structured.

There have been other studies where researchers have identified differential pricing in online retail websites. It was first reported back in 2012 by *The Wall Street Journal*. There is a great deal of research surrounding algorithmic discrimination in insurance rates; so car insurance rates for people who live in minority neighborhoods are charged higher premiums than people living in white neighborhoods, and to the extent that those insurance companies are often not operating from brick-and-mortar establishments but often operating online. There are a number of other examples. I would be happy to follow up with some more concrete sources if that would be helpful.

Assemblyman Watts:
I would like to add one more thing very briefly. As Mr. Brody noted, laws with that level of protection exist in a few states, and among them are California and New York. A lot of large technological platforms are already adapting their policies and procedures. Chair Jauregui

mentioned some of the adjustments that have been made at Facebook. We are seeing less of this as the digital realm evolves and as some of these laws take effect. This would really make sure those protections are in place for the state of Nevada.

I want to mention for Assemblywoman Dickman's previous question, you want to look at *Nevada Revised Statutes* 651.070, which is the provision that says, "All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of . . . ." It goes on to list the protected categories. That is where it includes the terms "discrimination or segregation" with required intent.

Assemblywoman Dickman:
I am just wondering if you can tell me how this would affect commerce and businesses outside of the state?

Assemblyman Watts:
If a transaction happened between somebody inside the state to a business based outside of the state, if there was discrimination against somebody inside the state, they would have access to the recourse under our current statutes. I do not know if Mr. Brody wants to speak about the complexities of interstate issues.

David Brody:
The bill is probably not breaking new ground here to the extent that in the past, mail order businesses have served people in the state but been based out of state, or banks or insurance companies were serving people in the state but based out of state. There are various other scenarios in which these issues have likely been addressed and already applied. As Assemblyman Watts said, if a business is based and headquartered outside of the state and is providing services to your residents, they are availing themselves of the state's laws, privileges, communities, and accommodations of the state. One of the requirements of doing business in the state is you have to subject yourselves to the state's laws.

Assemblywoman Tolles:
I have three questions. First, and forgive me if I missed this, but has this law been enacted in other states? That might help with some of the clarity around what this actually looks like. Because I am not as familiar with the public accommodations, how would this be monitored and enforced? What are the penalties?

Assemblyman Watts:
I will have Mr. Brody provide the exact list of states where similar policies are enacted. I believe five states were mentioned during his presentation. In terms of how this would be monitored and enforced, it really is something that would arise on a complaint basis. Somebody would have to be the subject of discrimination and compile evidence of that discriminatory act. This also ties into the second part of your question: under our public accommodations law, there is a private right of action, so if somebody has been discriminated against, they can file suit. For anyone who is actively working to restrict

somebody's equal enjoyment and access to goods and services, it is considered a misdemeanor, so the state can bring something forward. I believe there is also a provision for a complaint to be filed with Nevada Equal Rights Commission. Those are the remedies that exist in current law for public accommodations. Essentially, there would not be outside enforcement but would be based on a complaint being brought forth and evidence provided along with that complaint.

David Brody:
With regard to your first question about other states, currently, California, Colorado, New Mexico, New York, and Oregon apply their public accommodations laws to the Internet. The District of Columbia recently passed legislation in December, but it has not come into effect yet. There are another 17 states that have statutes that are highly similar to one of the states that does apply their law online. The issue has not come up in their courts yet. Of the 17 other states, we believe their laws likely would apply to the Internet if the question arose. There are about 12 to 15 states or jurisdictions where the law is unclear. Maybe it applies and maybe it does not. Nevada is in that list. There are six states where the law is unlikely to apply to the Internet. There are only two states I am aware of where the law explicitly does not apply, and there are six states that do not have a public accommodations law at all, or at least not a general purpose one.

Assemblyman O'Neill:
Mr. Brody, Assemblywoman Dickman sort of took my question, but I need clarification on it. Of misdemeanors, as an example, somebody has a business out of state, and somebody in Nevada purchases from it or goes to purchase. The person then identifies and refuses to do business with them. How do you file a misdemeanor complaint against somebody in, let us say, Maine when the person purchasing is in Nevada?

David Brody:
I am not an expert in Nevada criminal law, so I do not want to speculate too much on how you would prosecute such a case. I would imagine your prosecutors have procedures in place for bringing criminal charges against people who are out of state when such circumstances arise. In terms of a civil complaint, it would be similar to any other instance in which someone who is out of state committed a tort or other sort of civil infraction against an in-state resident. You would either file a complaint with your civil rights commission or go to court. Jurisdiction is one of the things the court would adjudicate.

Assemblyman Watts:
In general, a civil remedy is usually what would be sought in these instances.

Assemblyman O'Neill:
Madam Chair, would it be out of line to ask our legal counsel to identify the process of filing a misdemeanor complaint out of state and if one can even be?

Chair Jauregui:
Assemblyman O'Neill, I will make sure our legal counsel gets an answer to the Committee for us. He is not with us today, but he has been answering questions because he watches the Committee meeting while he is drafting, so I will make sure he gets an answer to us.

Assemblyman O'Neill:
Can we also include what the process of a civil action is and where the tort would be filed in short terms and not all legal terms, whether it would be here in Nevada, a federal case, or where the business is?

Chair Jauregui:
Yes, Assemblyman O'Neill. Are there any other questions? [There were none.] I will move to testimony in support. Is there anyone wishing to testify in support of A.B. 207? [There was no one.] We will hear testimony in opposition. Is there anyone wishing to testify in opposition of A.B. 207?

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:
We are opposed to the bill. The Vegas Chamber does not support discrimination and supports equal access, treatment, and protections for all Nevadans. As we have shared with the bill sponsor, we are trying to understand how the bill will affect those online establishments that are fully automated with no human interaction or involvement. Our concern is how we would determine that an online establishment would be in violation of existing state law as it is applied to equal access and protections. We are working on proposed amendments that we hope will provide clarity for businesses but would preserve the intent of the bill.

Misty Grimmer, representing Nevada Resort Association:
The Nevada Resort Association is currently in opposition to A.B. 207 as drafted, but mostly from a position of needing further clarity on how it is currently drafted and how it would affect us. I reached out to Assemblyman Watts, and we have also communicated with Mr. Brody, and we look forward to continuing those conversations. We are concerned that the way the bill is drafted may be imposing requirements on websites that go beyond our understanding of the goal of this bill. Of course, all our properties already fall under all the antidiscrimination laws and the Americans with Disabilities Act (ADA) requirements. We support the goals of the bill to ensure all people are treated fairly in the marketplace, whether it is in person or online. We will continue to work with the sponsor to achieve that goal.

Amber Stidham, Vice President, Government Affairs, Henderson Chamber of Commerce:
We, too, want to say thank you to Assemblyman Watts for bringing this bill forward and being open to work with stakeholders. Respectfully, we are also opposed. I also want to be clear that the Henderson Chamber of Commerce certainly does not advocate discriminatory viewpoints for itself or on behalf of its members, but we do feel compelled to protect our members' rights and the rights of all our business owners. I have a few notes I want to share today. We do believe that much of what A.B. 207 covers is already protected under federal

law, including the Civil Rights Act and the ADA, which protects designated groups from discrimination in places of public accommodation. Some of the most recent case logs in the Ninth Circuit Court of Appeals also hold that ADA applies to website and mobile applications. Based on these rules, we believe Nevada's antidiscrimination laws already provide a lot of these protections for public accommodations that are under this bill.

The Henderson Chamber of Commerce is also concerned about the bill definition of "private online discussion forum" as it is written. Limitations in section 2 referring to a limit of "not more than 1,000 members" and excluding operators who regularly receive payments from nonmembers as part of their business, we believe are potentially unconstitutional. These limitations could create severe intrusion on certain businesses' right to express those associations, which we believe is protected by the First Amendment. While it is possible this language might violate a business's constitutional rights, the fact that it could violate those rights we believe could be an issue at some point in this bill if it is passed as written. We look to having some discussions.

Dora Martinez, representing Nevada Disability Peer Action Coalition:
I am here to support A.B. 207. Can I still go ahead?

Chair Jauregui:
Yes, you can go ahead.

Dora Martinez:
We support this bill. It may not cover the position we are talking about fully, but I believe it is a start. She was referring to the federal ADA, but this is more to Nevada statewide. People do not discriminate against the Franklin and Lincoln money, so I think anybody who is willing to patronize their business should have that opportunity.

Elizabeth MacMenamin, Vice President, Government Affairs, Retail Association of Nevada:
I wanted to say the Retail Association of Nevada has been working with the bill sponsor. We appreciate the work he is doing with the industry and thank him for considering some of the amendments we have. We would like to continue working with him.

[A letter in opposition, Exhibit I, was not discussed but will become part of the record.]

Chair Jauregui:
Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral? [There was no one.] Assemblyman Watts, would you like to give any closing remarks?

Assemblyman Watts:
I will keep this brief. I know you have a long agenda. I look forward to working with some of the folks who called in on an amendment to clarify in line with the intent. For those who have worked on public accommodations law before, know that we have done some other

things to make sure that ladies' nights and other things are protected. We will make sure that we get this worked out in a way that provides clarity and is the Nevada way.

The other thing I note, based on some of the remarks on federal law and federal case law, my personal opinion is that case law can change. Of course, we are working to update things to accommodate our new reality with the presence of ecommerce. I want to make sure our state's statutes are solid so people can enjoy the same access to goods and services free from discrimination and have the same legal protection, whether they are in a brick and mortar or online. There is no intent for this to put any additional restrictions or requirements on existing brick-and-mortar businesses in the state. We hope to be back before you soon for a work session with the proposed amendment. We ask for your support for A.B. 207.

Chair Jauregui:
I will now close the hearing on A.B. 207. I will now open the hearing on Assembly Bill 327. We have Assemblywoman Torres here with us to present the bill.

Assembly Bill 327: Requires certain mental health professionals to complete continuing education relating to cultural competency. (BDR 54-175)

Assemblywoman Selena Torres, Assembly District No. 3:
Assembly Bill 327 requires mental health professionals to complete continuing education relating to cultural competency and adversity, equity, and inclusion. Based on my conversations with stakeholders, I am presenting a conceptual amendment [Exhibit J], and it has been emailed to all members of this Committee and has already been posted on the Nevada Electronic Legislative Information System. Today, I will also be copresenting with Dr. Sandra Gray, a licensed psychologist, and Ms. Dinisha Mingo, CEO of Mingo Health Solutions and a licensed behavior analyst.

Last session, we passed two bills, Senate Bill 364 of the 80th Session and Senate Bill 470 of the 80th Session, which require medical facilities licensed in Nevada to follow various procedures surrounding cultural competency in the workplace. These procedures include antidiscrimination policies and an annual completion of a certified cultural competency training. As many of you know, cultural competency training focuses on the skills and knowledge that value diversity, understand and respond to cultural differences, and increase awareness of providers and care organizations' cultural norms.

Last summer, Dr. Sandra Gray, who is a licensed Nevada psychologist, reached out to me expressing her interest in ensuring that all licensed mental health professionals in Nevada also receive training on cultural competency, not just those persons employed by a medical facility. We know that effective health communication is as important as clinical skill. There is strong evidence that cultural competency training for health care and mental health professionals improves providers' knowledge, understanding, and skills for treating patients from culturally, linguistically, and socioeconomically diverse backgrounds. To effectively serve these diverse communities, we need health care practitioners who understand, respect, and value all the cultural differences and perspectives towards mental health.

I will begin with the bill summary and then I will introduce my copresenters. As amended, A.B. 327 requires a psychiatrist, physician assistant practicing under the supervision of a psychiatrist, nurse, marriage and family therapist, clinical professional counselor, social worker, clinical alcohol and drug counselor, alcohol and drug counselor, or problem gambling counselor to complete at least two hours of instruction concerning cultural competency and diversity equity inclusion as part of his or her continuing education. As you will notice in the conceptual amendment [Exhibit J], the change to section 2, subsection 3, paragraph (c), makes it so the bill applies to all nurses. This is upon the request of the Nevada Nurses Association. Additionally, the amendment requires that boards and associations that oversee continuing education units shall accept the training received under *Nevada Revised Statutes* 449.103. This amendment will allow for the employees in medical facilities that are required to complete the training in accordance with S.B. 364 of the 80th Session to use the training already mandated.

I will allow for Ms. Dinisha Mingo to provide some additional remarks.

Dinisha Mingo, CEO, Mingo Health Solutions, Las Vegas, Nevada:
I have been in business for five years and been a rehab practitioner in Nevada since 2011. I am also a Las Vegas native. I am in support of this bill. It is critically important. In my history of working in the field with people who have mental and behavioral health issues, I have worked with largely underserved minority populations. The workforce in Nevada is not reflective of the population it services, and especially the population who is most at risk for mental and behavioral health needs, including those who may have autism, which is a population we serve at Mingo Health Solutions. In my experience, I have seen and/or heard feedback from a lot of minorities who say they do not get mental health support because they do not trust that their practitioners understand what they are going through. Many who have tried to access mental health support felt judged or misunderstood by their provider and that deterred them from continuing with treatment. Likewise, being a professional and having many friends who are professionals used to working in largely white environments, my friends have also shared with me that when they attempted to go out and get treatment for their pain counseling, they did not feel they were understood or they could connect with their practitioner.

I am in support of this bill because the workforce is not reflective of all populations, and because I do a lot of advocacy and awareness in the community. I get so many people reaching out to me, looking for providers who can meet whatever their cultural needs are. It is important that when any person walks into a therapeutic room, they feel safe, understood, not judged, and that their culture and background are going to be taken into account. For our current professionals, many who are well-intentioned sometimes just have a lack of knowledge. Requiring these continuing education units (CEUs), especially as we continue to diversify here in Nevada and other relevant cultural issues come up, we want to make sure our practitioners are knowledgeable and aware.

Being a business owner, I have seen therapists who have worked for me who are very passionate about working with all communities, including those that are underserved, and just do not have the skills to properly assess some of those needs that many of our minority populations experience. Therefore, the treatment is not properly targeted because they have not assessed. I have met with them one on one and I said, Did you look at this? Did you look at this? They said, I did not know this, or I did not know or see that need. This bill is specifically making sure we continue to be proactive and reactive to an extent in Nevada to support every person who wants to access any type of mental health care needs.

[Written testimony was submitted, Exhibit K.]

Assemblywoman Torres:
I would like to introduce Dr. Sandra Gray, a licensed psychologist. I do not think I mentioned in the initial presentation that licensed psychologists are also included in this legislation.

Sandra Gray, Owner, Innovation Behavioral Health Solutions, LLC, Las Vegas, Nevada:
Assemblywoman Torres mentioned that I am a licensed psychologist here in Las Vegas, Nevada. I have been in the mental health field for over 12 years with all of my professional experience being here in Clark County. I own and operate a group practice, Innovation Behavioral Health Solutions. I specialize in trauma, working with communities of color, immigrants, and the neuropsychological assessment of conditions, including autism, ADHD [attention deficit hyperactivity disorder], learning disorders, trauma, and traumatic brain injury, among several other conditions. One thing I have learned in the last 12 months is that the COVID-19 pandemic has highlighted the importance of mental health. Not only is this a global health crisis, but a mental health crisis as well. The pandemic has led to increased rates in anxiety, depression, suicidality, and undoubtedly an increase in abuse and domestic violence rates.

Black, Indigenous, People of Color (BIPOC) have been among the most significantly and negatively impacted groups by the pandemic, not only with regard to COVID-19 rates, but also in terms of mental health, given factors such as the racial injustices we have seen across the country that have in turn exacerbated already existing anxiety and depression associated with racial and other traumas. Most recently, we have seen violence against the Asian American community and historically and currently, against Black and Brown communities. However, this is not something new. Black, Indigenous, People of Color communities have consistently experienced health disparities throughout history, including barriers to access to treatment paired with systemic oppression that further aggravates the problems we face with regard to our mental health.

Nevada is a remarkably diverse state with nearly half of the population identifying as racially and/or ethnically diverse, according to the 2019 United States Census. Notably, diversity, equity, and inclusion (DEI) extends beyond race and ethnicity, including the intersections of

ability, socioeconomic status (SES), gender, and sexual orientation. Close to 9 percent of Nevadans under the age of 65 identify as experiencing a disability, over 12 percent live in poverty, and over 5 percent of Nevada's adult population identify as LGBTQ.

Licensed mental health providers are often not equipped to provide culturally competent treatment to diverse populations such as those mentioned, given that providers are often not informed of culturally relevant factors and, therefore, cannot be culturally responsive without training and education. This presents many implications for the diagnosis, treatment, and outcomes of these populations given health disparities, barriers to treatment, and cultural factors that further stigmatize mental health. For instance, individuals growing up with low SES are more likely to experience trauma, higher rates of stress, and are more likely to experience adverse childhood experiences, all of which negatively impact mental health. These rates are even higher for BIPOC and often result in the criminalization and/or misdiagnosis of these populations.

Non-Hispanic Blacks are about twice as likely to experience psychological distress, yet are half as likely to have access to treatment. It fares worse for our Native populations who are 2.5 times more likely to experience serious psychological distress.

Researchers have found that Latinx and African-American adults are more likely to experience post-traumatic stress disorder (PTSD) and have more severe and chronic symptoms compared to their white counterparts. These higher rates of PTSD have been attributed to lack of culturally competent trauma treatments paired with a lack of understanding of how discrimination and racism impact both Latinx and African Americans.

Children of color are more likely to be misdiagnosed with a behavioral condition such as oppositional defiance disorder, conduct disorder, and/or ADHD compared to their white counterparts. With regard to ability and neurodiversity, children of color are less likely to be diagnosed with autism at an early age because they are more likely to be missed or misdiagnosed despite research indicating the earlier the diagnosis, the better the prognosis.

Similarly, African-American men are more likely to be misdiagnosed with schizophrenia, which has been attributed to implicit biases by clinicians, which result in the over-pathologizing of African Americans. Mental health disparities and the misdiagnoses of BIPOC raise significant concerns in clinical settings. Overall, men, women, and children of color are more likely to be misdiagnosed with a psychotic, learning, or behavioral disorder.

Thus, understanding implicit biases, microaggressions, cultural differences, barriers to adequate health care, stigma in mental health pertaining to underserved and marginalized communities, as well as understanding historical context associated with mistrust of providers, could reduce mental health disparities and misdiagnoses of BIPOC. It can further assist us with identifying and raising awareness regarding social justice issues and how BIPOC may be affected by those issues.

Licensed mental health professionals provide services to vulnerable, marginalized, stigmatized, and underserved communities. Therefore, it is of the utmost importance that providers are promoting and advocating for equality, equity, and inclusion through culturally responsive service delivery. Furthermore, it is in the best interest of the public, the stakeholders, and particularly our BIPOC communities that we ensure competence by our mental health providers by requiring continuing education in DEI for license renewal in an effort to minimize health disparities in oppressed populations.

Research indicated that lack of cultural responsiveness may result in a lack of sensitivity to cultural differences in symptom presentation, which consequently leaves clinicians vulnerable to their own implicit biases, stereotypes, and negative attitudes to certain populations due to their lack of training in culturally responsive assessment and diagnosis.

Continuing education requirements are intended to ensure licensed mental health professionals stay current, informed, and provide the best care possible for the individuals whom we serve. We must practice cultural humility, which is a lifelong journey. We must understand not only the unique challenges faced by diverse communities, but also comprehend cultural background, value systems, and appropriate evidence-based treatments that address mental health challenges from a culturally responsive and intersectional perspective. Diversity education is a necessity and an opportunity for us all to learn more fully about groups who have historically been marginalized based on race, ethnicity, sex, gender, or sexual orientation, among other social identities.

[Written testimony was submitted, Exhibit L.]

Assemblywoman Torres:
At this time, we are ready for any questions the Committee may have.

Chair Jauregui:
Are there any questions?

Assemblywoman Carlton:
I want to understand, and I totally support continuing education for folks. We have done this a number of times over the years depending upon what the board was. This is very overarching, so I want to try to get some details. When we are talking about these two hours of continuing education, some boards renew by the year, and some boards renew by two years. Have you considered how you would track and monitor that? Is this education available in the state? What is the cost? Having folks have to get continuing education and the cost towards their license can be difficult. I know I was very lucky when I wanted to do this training with my staff. I was able to find someone who was willing to do it for free, since we were a nonprofit. I am not sure that is available to professionals as far as their licensure goes because it has to be an accredited training program. I am wondering if it is available in this state or online and what the cost might be.

Assemblywoman Torres:
The way the legislation is right now, because we are changing it, it used to say six hours. If you looked, there were certain sections that said three hours because it was annual. The intention is to split that if they have annual licensing. I am sure our committee counsel will help us when we get closer to a work session.

The next question was whether or not this training is available. With every board I have spoken to, there are continuing education units that are available in DEI and culturally responsive education for that profession. The training is very much available. Nonetheless, it would require that the boards determine what training counts as eligible for that. For example, in my conversations with one of those associations, there are CEUs on gender dysphoria. That would be a training the board could then determine would be eligible. There is also training on cultural competency in diagnostics. That might be a type of training that would be available. That would be at the leisure of the boards to determine the exact courses, but there are a variety of different topics that would be applicable to any of the professions included here. As far as the cost, I think that would be the same cost as their CEUs right now. I imagine Dr. Gray would be able to speak more to that.

Sandra Gray:
It would be comparable to everything else we are currently paying for in terms of continuing education. I do not see why this would be more or less than any current training we are attending.

Assemblywoman Torres:
To be clear, this is out of the requirements they are currently doing. For example, if they are required 20 CEUs, they are not going to be required to do 22 CEUs. They will be required to complete 20 CEUs, and 2 of those will have to be in cultural competency.

Assemblywoman Carlton:
That adds a lot of clarification. When I read the bill, I did not see that. I am glad Assemblywoman Torres said that. Every time we do this, we add a little bit more on, and it gets to the point where people are doing their job, getting their CEUs, and they may get to see their family once or twice a month. I wanted to make sure. Would it be up to the board as to how they would want to substitute it for other CEUs?

Assemblywoman Torres:
Yes, the board would be able to do that, just like how they have done with suicide training. I made this legislation very similar to Assembly Bill 93 of the 78th Session. That was current Majority Leader Benitez-Thompson's piece of legislation. What that did was require suicide training, and the boards determined what that looked like. It would be very similar to what we did in 2015.

Assemblywoman Carlton:
I am always cautious about adding.

Chair Jauregui:
Are there any other questions? [There were none.] We will move to testimony in support of A.B. 327. Is there anyone wishing to testify in support?

Paige Barnes, representing Nevada Nurses Association:
We are here in support of A.B. 327 as amended. I want to thank Assemblywoman Torres for her work on the bill and willingness to collaborate. The Nevada Nurses Association believes this bill is very timely. Our nurses have experienced the benefits of the LGBTQI training, completed in a hospital setting, which was implemented as the result of 2019 legislation. We believe that A.B. 327 is the next logical step. As Assemblywoman Torres mentioned, we requested the expansion of these CEUs to apply to all nurses. We believe that all our nurses and all our patients will benefit from the education on cultural competency. Nevada has a vast array of cultures in this state. Diversity is part of what makes Nevada home to so many communities. It is so important that our nurses have the education to treat each patient as an individual with respect to their cultures. Again, I want to thank Assemblywoman Torres for bringing forward the amendment to apply the bill to all nurses in adjusting the CEUs to two hours to be aligned with past legislation such as suicide prevention.

Lorenzita Santos, Outreach Coordinator, One APIA Nevada:
When I was 15, I had a mental health crisis and had to undergo intensive psychiatric care at Seven Hills Behavioral Health Hospital. Since then, I have had to meet with several mental health professionals to talk about my struggles. I am a second-generation Filipina American, and I am a member of the LGBTQ+ community. Many mental health professionals I spoke with lacked fundamental knowledge about Asian and Pacific Islander American (APIA) issues. I had to dedicate time during these sessions to explain the basics. Each session that was not successful not only cost time but cost money. The lack of cultural competency is a barrier for me and members of the APIA community. In fact, of all groups, APIA adults are the least likely to seek mental health services. By having cultural competency trainings, it ensures members of the APIA community are heard, understood, and properly cared for. I urge you to support A.B. 327.

Eric Jeng, Director of Outreach, Asian Community Development Council:
First of all, I want to ditto the last testimony from Ms. Santos. That was raw and powerful, and we are here to support our community members. Right now, in Nevada, [unintelligible] Asian and Pacific Islander are the fastest-growing minority group with about 300,000. We want to be here to dispel the model minority myth. We are not a monolith. There are approximately 30 ethnic groups speaking over 50 languages here in Nevada. For us, this is the right step towards more health equity and understanding of cultural sensitivity. This is a good bill. Right now, as the last caller said, APIA are the least likely to seek help for mental health. I think a lot of it comes from cultural stigma, underreporting, and different issues that need to be addressed, and this bill is the right step for us. We fully support this bill.

[Written testimony was submitted, Exhibit M.]

Alyssa Cortes, Program Associate, Silver State Equality:
We are in full support of A.B. 327. This week is LGBTQ Health Awareness Week, and mental health plays an important role in the health of our communities. Assembly Bill 327 is timely and prepares mental health professionals who serve diverse communities. About 4.5 percent of the U.S. population identifies as LGBTQ, with nearly 40 percent experiencing mental health issues. Licensed mental health providers are often unequipped to provide culturally competent treatment to diverse populations like the LGBTQ+ community. Often, providers are not informed of culturally relevant factors and, therefore, cannot be culturally responsive about training and education. Assembly Bill 327 ensures that all mental health providers complete the training that they need to serve diverse populations in our state. That is why Silver State Equality supports A.B. 327, and I respectfully urge you to do so as well.

Dora Martinez, representing Nevada Disability Peer Action Coalition:
I am calling in support of A.B. 327. I am blind, and I went to an emergency room with my daughter who is 13, and the nurse talked to her but not to me. My daughter told her, "Talk to my mom. Nothing is wrong with her. She is just blind." This competency will include people with disability awareness and all the other groups you have been talking about.

[A letter in support, Exhibit N, was not discussed but will become part of the record.]

Chair Jauregui:
Is there anyone else wishing to testify in support? [There was no one.] We will now hear testimony in opposition. Is there anyone wishing to testify in opposition?

Jake Wiskerchen, Private Citizen, Sparks, Nevada:
I do have a background in mental health, and I have actually presented in front of this Committee just one session ago. I happen to agree with everything the bill presenters outlined, as well as all testimony in support. I have worked specifically with the firearms industry, and they are some of the most dignified individuals when it comes to mental health treatment because of the continued perceived infringement upon gun rights, nearly all firearms owners, including police and military, are suspicious of therapy because they report receiving the same exact judgement.

Chair Jauregui:
You need to stick within the parameters of the bill.

Jake Wiskerchen:
With regard to cultural competency, I actually teach cultural competency to clinicians about the stigma of firearms owners to try to get us more welcoming. I am embarrassed by all the testimony, having been a clinician for 12 years and logged about 20,000 hours. My concern on this echoes that of Assemblywoman Carlton where the Legislature seems to be encroaching upon the autonomy granted to the boards to create the content by which they would govern these continuing education units. Our collective behavioral health professions have been in existence for nearly six decades now, dating back to 1963 when the Board of Psychological Examiners was created. Until around 2015 or 2017, all of the content was

deferred to the licensing boards to be created. In the last couple of sessions, the Legislature has added continuing education credit for suicide intervention and now this cultural competency. I am considerably concerned if the Legislature continues to restrict what we are able to study, we will not actually be able to study what is necessary to perform good care. I am also concerned we are entering a slippery slope, this being the second step of which. If we continue down this road, we will be squeezed out of studying things that we would like to do with regard to treatment or intervention. I stand in opposition based on the idea that this could open up the door for multiple vendors to come in and lobby the courses that they sell are necessary.

Chair Jauregui:
We need to move on to the next caller. If you have any written remarks, you can submit those to our committee manager to share with the Committee members. [Additionally, a letter in opposition, Exhibit O, was not discussed but will become part of the record.] Is there anyone else wishing to testify in opposition? [There was no one.] We will move on to testimony in neutral. Is there anyone wishing to testify in neutral on A.B. 327?

Alexis Tucey, Deputy Administrator, Community Services, Division of Child and Family Services, Department of Health and Human Services:
I am testifying in neutral on this bill. The changes that are proposed in A.B. 327, including the proposed amendment [Exhibit J], actually align with the Division of Child and Family Services, Department of Health and Human Services' goals for implementation of the system of care and our guiding principles, which includes cultural competency. For those who are not familiar with what "system of care" is, it is the coordinated network of community-based services with the courts organized to meet the challenges of children and youth and their families. The core principles within the system of care include family-driven, individualized, [unintelligible] based, evidence-informed, youth-guided, culturally and linguistically competent, providing the least restrictive environment possible, community-based, acceptable, and collaborative and coordinated across an interagency network. Again, I want to appreciate the efforts of A.B. 327, and I am testifying in neutral.

Lea Case, representing Nevada Psychiatric Association:
We are neutral, and we want to extend our gratitude to Assemblywoman Torres for meeting with us extensively yesterday and working on the amendment [Exhibit J]. We are especially grateful for the amendment requiring boards to accept the training that some of our commissioned members receive under NRS 449.103, related to cultural competency.

Daniel Pierrott, representing Nevada Academy of Physician Assistants:
Today we are testifying as neutral on A.B. 327. Founded in 1977, Nevada Academy of Physician Assistants' goal is not only to improve the quality of health care by increasing accessibility throughout the state, but also to give a voice to the physician assistant (PA) profession through education and advocacy. With over 1,200 PAs working in every facet of the health care industry, we are determined to bring high-quality health care to Nevadans. We appreciate the intent of the bill and the sponsor for bringing this legislation forward. We would also like to thank the bill sponsor for clarifying some of the provisions related to

A.B. 327. We have reviewed the conceptual amendment [Exhibit J] brought forth today and are neutral on the substitution of CEU requirements to include cultural competency and diversity, equity, and inclusion.

[Written testimony was submitted, Exhibit P.]

Chair Jauregui:
Is there anyone else wishing to testify in neutral? [There was no one.] Assemblywoman Torres, would you like to give any closing remarks?

Assemblywoman Torres:
I will keep it brief. I urge you to support A.B. 327. I think this will help expand access to better quality health care for all Nevadans.

Chair Jauregui:
I will now close the hearing on A.B. 327. We will move on to Assembly Bill 366. I will now open the hearing on Assembly Bill 366. We have our own Assemblywoman Tolles here to present the bill.

Assembly Bill 366: Revises provisions governing mental health records. (BDR 54-456)

Assemblywoman Jill Tolles, Assembly District No. 25:
Today, I am here to present Assembly Bill 366, which exempts recordings of certain training activities from the retention, maintenance, and disclosure of health care records by mental health professionals. I will provide background information, and then I will invite Dr. Whitney Owens, who is the president of the Board of Psychological Examiners, and Lisa Scurry, who is the executive director of the board, to present the details of A.B. 366.

The use of recordings to advise, mentor, supervise, and train new mental health practitioners is a widely accepted practice. Trainees may record audio or video sessions with clients for their clinical supervisors to review, both prior to the meeting for supervision and jointly in supervised sessions. The use of recordings in sessions like these can benefit the clients as well as the trainees. However, for those persons who consent to audio or video recording, it is important that the destruction of the physical artifacts of those recordings takes place at the earliest time appropriate. Destroying these artifacts ensures the audio or video recordings are not included in the patient's medical record, and only the written record of the visit remains in accordance with state law, specifically *Nevada Revised Statutes* (NRS) 629.016 that requires all practitioners of the healing arts, including the professionals covered by this bill, to retain health care records as defined in NRS 629.021. Assembly Bill 366 excludes recordings used for training purposes from the definition of "medical records" in order to allow for their destruction as soon as appropriate. With that, I would like to turn it over to my guest presenters to walk through the specifics of the bill.

Lisa Scurry, Executive Director, Board of Psychological Examiners:
As Assemblywoman Tolles explained, the existing statute in the state of Nevada requires that all recordings of patients that contain clinical material done for any purpose must be maintained as part of that person's medical record. The Board of Psychological Examiners is requesting that recordings of treatment made for the purpose of clinical training be exempted from this requirement, which would allow for destruction of certain mental health training videos.

A standard practice in the training of future psychologists is that video recordings of psychotherapy sessions are often made, reviewed by training supervisors, and immediately destroyed. Training clinics do not maintain these records for a number of reasons. A primary reason is because maintaining records of highly personal—and in the case of mental health issues, potentially highly stigmatizing—content goes beyond those legally mandated for recording of treatment. It increases the potential impact to individuals in the unlikely circumstance of a data breach of a Health Insurance Portability and Accountability Act-secured server. It is prohibitively expensive to maintain these records for use of new university training clinics, which are often cash-strapped.

As the records are created for the purpose of training, these recordings are exempted from need for entry into health care records in the vast majority of jurisdictions around the country. Not making and using these recordings has negative implications for workforce development in Nevada.

Also, the Board of Psychological Examiners did reach out to other mental health boards, including the Board of Examiners for Social Workers; the Board of Examiners for Alcohol, Drug and Gambling Counselors; and the Board of Examiners for Marriage and Family Therapists, and Clinical Professional Counselors. The Board of Examiners for Social Workers did not oppose, and the other two boards were in support. I would like to introduce Dr. Whitney Owens, who is our board president, and I am sure she will take any questions.

[Written testimony was submitted, Exhibit Q.]

Whitney E. Koch Owens, Psy.D., President, State Board of Psychological Examiners:
It is important to note that this has been the standard of practice for years in the field of psychology for training and supervision of students. Psychologists have been using audio and video recordings for training purposes only and have not included them in the patient record for reasons already discussed. When people seek mental health services, they are coming with the understanding and belief that what they talk about in therapy will be kept confidential. If patients were to believe that an audio or video recording of their therapy or assessment session would be a part of their health care record, they are likely not to seek services or significantly alter what they are willing to tell their psychologist, which would diminish the benefit of therapy as well as decrease access to mental health care in our state. Additionally, psychologists would not be able to provide the training necessary for students in order to make sure they are the best psychologists they can be.

The purpose of this bill is to ensure that NRS 629.021, which is "'Health care records' defined," matches with our standards of practices and ensures the confidentiality of people who seek psychotherapy or psychological assessment services. Seeking treatment for mental illness is already challenging for many, and we want to ensure our NRS does not create further burdens or barriers to those seeking mental health services. I am happy to answer any questions you may have.

Chair Jauregui:
Assemblywoman Tolles, is there more presentation or are we ready for questions?

Assemblywoman Tolles:
That concludes our opening remarks, and we are open for questions from Committee members. Direct them to our two guest presenters today, Dr. Owens and Executive Director Scurry.

Chair Jauregui:
Are there any questions? I have one clarifying question. Currently, are the trainings recorded and destroyed? Or are they not destroyed and housed, and you need this change in NRS in order to destroy them?

Whitney Owens:
That is a great question. Because it has been standard of practice for years, psychologists have been having their students record their sessions, either by video or audio, and then the recordings are destroyed. In 2019, we were approached by a psychologist at the University of Nevada, Reno (UNR). Some attorneys at UNR had come to them and said that according to NRS, the attorneys had start keeping all recordings of their training sessions. They had to upload them to a server, and the attorneys have had to keep them. Of course, the psychologist came to our board and asked how to manage this because this is not standard of practice. It is not what we do. We obtained our Attorney General's opinion on this and decided that there was a bit of conflict in our standard of practice and NRS, so we are working on cleaning this up.

Chair Jauregui:
So NRS required the videos to be kept, but it had been the practice of the industry to destroy them for the reasons you stated. To be in alignment, you are changing NRS to what the current practice of the industry is. Did you know the requirement to keep the recordings was put into statute? Was it put in there for a reason?

Whitney Owens:
I do not know when it was put in. My best guess is that it is old language that nobody has ever caught and did not realize that it was in conflict with our standards of practices. To my understanding, nobody does keep audio or video recordings for the exact reasons that we talked about. If anybody going to therapy thought that somebody would hear their exact words or that those words could come back later in litigation or after their death, nobody would ever go to therapy.

Chair Jauregui:
Are there any other questions? [There were none.] We will move to testimony in support. Is there anyone wishing to testify in support of A.B. 366? [There was no one.] Is there anyone wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral? [There was no one.] Assemblywoman Tolles, would you like to give any closing remarks?

Assemblywoman Tolles:
I know it seems like just a small technical clean-up, but I think it could have some big implications for those involved, and I would urge and appreciate your support.

Chair Jauregui:
I will now close the hearing on A.B. 366. Our last bill hearing today is Assembly Bill 45. I will now open the hearing on Assembly Bill 45. I believe we have the Division of Insurance Commissioner Richardson.

Committee members, I want to make a quick statement. There have been various amendments to Assembly Bill 45. At my request, I did request Commissioner Richardson not present every amendment if the amendments were deleting sections, and only speak to us about what was left in the bill.

Assembly Bill 45: Revises provisions relating to insurance. (BDR 57-316)

Barbara Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry:
I do realize it is Friday afternoon, so I will try to be as succinct as possible. I am here to present Assembly Bill 45. It is a bill that addresses a variety of topics related to insurance regulation in the state. We do have some pretty technical bits of information, so if you have any questions, I will take care of those at the end.

Title 57 of the *Nevada Revised Statutes* (NRS) contains 59 chapters governing insurance. I did provide the Committee with a table that gives the title and chapter numbers along with our applicable titles. You should have also received the explanation table for A.B. 45 [Exhibit R], and that contains a section-by-section summary with the changes and current language being proposed. It also includes a reason for each of the changes being proposed. We thought that might be helpful.

We do have 13 amendments [Exhibit S] being proposed for A.B. 45, and the language from each of these amendments has been submitted to the Committee as well. I am going to address each of the first 11 proposed amendments as I discuss the applicable sections of the bill to which they apply. The first 11 we are proposing have come through numerous discussions with the industry. At the end of my presentation of the initial language of A.B. 45, I am going to summarize our two larger amendments, which are Nos. 12 and 13, and they provide new language to this bill that is going to be used for accreditation purposes. It is basically to support consistent financial solvency controls on insurance carriers across

state lines. Please feel free to interrupt me should you have any questions during my presentation, or I can take questions at the end at your preference. I will walk through the sections of the bill.

Section 1 is just the introductory language and none of the statutes being amended. In section 2, we put in some language, but we are proposing to remove this section with amendment No. 1 [page 1, Exhibit S]. That should take care of the entire section 2 as originally submitted. Section 3 is intended to consolidate licensing bond requirements under NRS Chapter 679B, so all Title 57 licensings are required by statute to carry a surety bond in favor of the State of Nevada as a condition of holding the license. We will have uniform surety bond requirements. Bond documentation requirements currently vary by license type. This creates challenges and inefficiencies in regulating those licenses. In addition, the surety carriers have to devolve several different types of bond forms to meet the various language requirements in Title 57. These proposed changes will allow for some [unintelligible] license applications for [unintelligible] required to hold a surety bond while allowing the Division of Insurance of the Department of Business and Industry to a more efficiently maintain and enforce requirements moving forward across the licensees. In this particular section, the Division is submitting amendment No. 2 [pages 2-4, Exhibit S]. This will provide clarification that section 3 only applies to licensees where existing statutes already require a surety bond as a condition for holding that license. There are no new requirements put in place for that.

Section 4 eliminates the requirement that for service of process, the serving party will need two hard copies of the service notice with the Division. It also clarifies that this service may be made by leaving the underlined documents with the Division, as well as clarifying the process the Division must take once such service has been made. Further changes to create a uniformity for the service of process to other chapters in NRS Title 57 are requested by proposed amendment No. 3 [pages 5-9, Exhibit S]. This proposed amendment also allows the Division to forward the documents to the appropriate broker or insurer by email, thereby creating a faster and less costly process. This change is being proposed to support electronic service of process changes that have already been embraced by the state of Nevada and the insurance industry.

Sections 5, 14, 51, 56, 72, and 73 remove the fee language from various individual licensing chapters, and they add those references to NRS Chapter 680B to consolidate all licensing fees under the Fees and Taxes chapter in Title 57. This allows for greater ease of reference for regulators and for our licensees. This change is not adding any new fees but just moving them from miscellaneous individual chapters.

Section 6 and sections 46 through 53 have originally been proposed to focus on licensing processes for service contractors. However, there was a Supreme Court case that came out of Nevada on March 4, 2020, which gave us the information we needed to deal with the service contract provider statutes. To make sure we are following the Supreme Court processes and

their decision, we are proposing amendments No. 4 [page 10] and No. 6 [pages 14 and 15], which delete section 6 and sections 46 through 53 of the bill dealing with service contract providers.

This is going to be a long group. Sections 7, 10, 17, 21, 36, 37, 39, 45, 49, 52, 55, 60, 64, 71, 74, 78, and 79 are updating the bond requirements within the specific licensing chapters to follow the surety bond requirements that I discussed in section 3. There are two amendments to the original proposed language in these sections. Amendment No. 7 [pages 16-18, Exhibit S] to section 55 clarifies that a natural person licensed as a title agent is exempt from the corporate surety bond requirement if they work for a title insurer or by a firm or corporation that is licensed as a title agent because there are already bond requirements in place for those. Amendment No. 10 [page 23] amends section 64 to match the same language for surety bond requirements for dental entities, which are licensed under NRS Chapter 695D. These entities are already required to hold a surety bond.

Section 8 adds a reference to NRS 682A.179, which provides the terms under which a mortgage on real estate qualifies as an equity interest in relation to rated credit instruments. This reference brings the statute up to date with accreditation standards and the latest model language of the National Association of Insurance Commissioners (NAIC). Again, that is to support financial solvency requirements across state lines.

This is another longer grouping. Sections 9, 13, 15, 16, 19, 20, 38, 40, 41, 70, 73, and 75 update license renewal language so that the expiration occurs on the last day of the month in which the license was issued. Currently, renewal provisions vary across license type. This change will simplify requirements on our licensees, especially those who hold multiple licenses or a license across several jurisdictions. It also allows the Division of Insurance to streamline internal renewal processing, including issuing notices and handling expired licenses. It also provides clarity and consistencies for our licensees. At this point, we are looking at the Division holding over 200,000 licenses that would fall under these different sections and updated license renewal types.

Section 11 removes the requirement to list all members of a managing general agent to be provided on the license. Instead, it adds a requirement that designated one individual responsible for an agency's compliance with relevant laws. This change is consistent with similar license types. We are proposing amendment No. 5 [pages 11-13, Exhibit S] to further clarify the Division's intentions for those language changes in NRS 683A.140, and to make them clear and more concise. Listing all members of an entity that is already licensed is hard for a licensee to maintain, as its employees may change over time or at any time. This is a burden on an industry that provides no regulatory benefit.

Section 12 establishes clear renewal requirements for managing general agents. The current licensing provisions for managing general agents do not address license renewals, so a licensee does not have the same additional protections to reinstate their license as they would if they were another type of licensee. Section 12 adds the language that applies to most other licensees under Title 57.

Sections 15 and 54 establish late renewal provisions for insurance consultants and escrow officer licensees respectively. These sections also update the expiration date of both licenses to the last day of the month to match the other licensees. These changes are consistent with similar Title 57 license types. Under amendment No. 5 [pages 11-13], we removed the language from NRS 692A.103 that had originally conflicted with our proposed changes in section 54.

Section 18 removes language regarding the automatic refund of the license fees upon denial of a license from motor vehicle physical damage appraiser. This is consistent with other license types in Title 57. With that being said, I do want to let the legislators know that the Division's current fee statutes still do provide for the return of erroneously collected fees under NRS 680B.120. That is not being removed.

Sections 22 through 35 provide rules for stop-loss insurance that provides excess loss coverage for self-funded plans. Section 35 relates to a type of stop-loss policy for health care providers who insure against loss of income through their network contracts with payers. Currently, Nevada statutes do not specifically allow for stop-loss insurance coverage, and the related rules are instead contained within the *Nevada Administrative Code* (NAC).

Sections 42 through 44 clarify that maternity benefits are not just for the mother but for the pregnant person. This language is needed to make Nevada statutes consistent with gestational carrier laws and the Affordable Care Act to adjust surrogacy coverage.

Section 57 requires an insurer or insurance group to annually file any amendments to the previous year's corporate governance annual disclosure, or to expressly state that no changes were made. This language was inadvertently written when NRS 692C.3504 was adopted in 2017. The Division is proposing amendment No. 8 [pages 19 and 20, Exhibit S] that deletes the word "also" on page 56, line 3, of the bill right now to clarify that there are not two filings required to be submitted, but rather just an amended version of the original annual disclosure.

Section 58 clarifies the captive insurer dormancy provision by clarifying it applies to captive insurers who are not transacting in the business of insurance during dormancy. It also clarifies that different tax and filing requirements apply once the certificate of dormancy is issued and that dormancy lasts until the certificate expires or is revoked. The language also clarifies that upon the expiration of a certificate of dormancy, the carrier must be in compliance with all the provisions of NRS Chapter 694C that are applicable to holders of an active certificate of authority.

Section 59 allows captive insurers to use federally chartered credit unions in the same manner as federally chartered banks. It also provides that the Division may perform periodic reviews of the qualifications of captive matters and may be able to disqualify those that would be considered unsuitable under NAC 679B.039. This usually applies to people who have been convicted of felonies after they have already gotten their initial license.

Sections 61 through 63 clarify requirements for limited confidentiality of information submitted in connection with a health rate filing. This will help create uniformity across all health plans and carriers regarding provisions of the NRS they are subject to. The Division is proposing amendment No. 9 [pages 21 and 22] that corrects the coded subsections to only include the relevant statutes of the NRS. One section had gotten added by an error.

Sections 65 and 66 clarify that risk retention groups (RRGs) are subject to registration renewal in Nevada, and the determination of hazardous financial condition pursuant to NRS 680A.205. This is in keeping with the NAIC accreditation requirements. It is due to the fact that RRG policies—not thought to have been originally intended in this manner—are being sold to policyholders across state lines. You want to make sure you are protecting not only policyholders in your own state, but the policyholders in other states as well.

Sections 67 through 69 make changes to the financial regulation of prepaid limited health service organizations. The provisions make these organizations subject to a defined limit of investment, and financial examination provisions are otherwise applicable to Nevada domiciled life and health insurers. It also clarifies requirements related to confidentiality of information submitted in connection with a health rate filing and the applicability of the requirements related to the review of the health rate files to make sure they apply as intended and in conformance with the Division's current procedures. Amendment No. 9 [pages 21 and 22, Exhibit S] also corrects the subsections in section 67 as the first one did.

Section 76 provides certain employees of the fraud unit within the Division the powers of a peace officer for their duties. This change allows the Division to fully effectuate its charge of investigating criminal fraud complaints, sharing and accessing criminal information, or affirming actions for a criminal prosecution. This is similar to the powers of a peace officer given to the special investigators employed by the Office of the Attorney General.

Sections 77 and 80 through 85 have been put into the proposed bill to move the certification of financial review of employee leasing companies from the Division of Industrial Relations within the Department of Business and Industry to the Division of Insurance. This language was mirrored in Senate Bill 55, which has been amended, so amendment No. 11 [pages 24 and 25] proposes to remove sections 77 and 80 through 85.

Section 86 provides for the repeal of NRS 692A.1043 and NRS 695F.180. These sections are no longer needed since the requirements for bonding and investment, respectively, are being updated as part of this legislation. Section 87 provides the effective dates of the sections within the bill.

As I mentioned earlier, the final part of my presentation on A.B. 45 is to address amendments Nos. 12 and 13 [pages 26-48, Exhibit S]. Both amendments provide new rules regarding the financial regulation of insurers. They are based on recent updates to the NAIC model laws. The first is the credit for reinsurance, and the second is the NAIC Model Insurance Holding Company System Regulatory Act and Regulation. These changes are necessitated by federal preemption dates, which were included in a bilateral agreement between the

United States (U.S.) and the European Union (E.U.) on prudential measures regarding insurance and reinsurance commonly known as the Covered Agreement [formerly titled Bilateral Agreement Between the United States of America and the European Union On Prudential Measures Regarding Insurance and Reinsurance]. This was signed by the United States, the European Union, and Great Britain.

The new model language has been set as a NAIC accreditation requirement for all states beginning in 2022. Signators and regulators have historically required non-U.S. reinsurers to hold 100 percent collateral within the U.S. for any risk they assume from U.S. insurers. The credit for the reinsurance act itself and our amendment No. 12 [pages 26 through 39] primarily concern the elimination of additional collateral requirements for reinsurers domiciled in the E.U. and in Great Britain, provided certain regulatory criteria are met. It also allows for reinsurers domiciled in qualified jurisdictions to obtain similar treatment to those jurisdictions that are subject to the Covered Agreement. These changes provide those jurisdictions to give U.S.-based reinsurers the same treatment and recognition afforded by E.U. countries pursuant to the Covered Agreement. Therefore, our revisions include the requirement that the qualified jurisdiction must agree to recognize the state's approach to group supervision, including group capital that the E.U. has already agreed upon.

Amendment No. 13 [pages 40 through 48, Exhibit S] contains the language from the NAIC Model Insurance Holding Company System Regulatory Act and Regulation. This is intended to provide U.S. solvency regulators with an additional analytical tool for conducting groupwide supervision. This is in light of the new requirements under the Covered Agreement. This amendment will provide key financial information on an insurance group. This information assists regulators in understanding the financial condition of noninsurance entities that are part of a larger holding company structure, and the information that assists in understanding whether and to what degree an insurance company may be supporting the operations of noninsurance entities within a holding company. Adoption will further aid U.S. insurers operating in the E.U. or the United Kingdom. This concludes my introduction of A.B. 45, and I stand available for any questions you may have.

Chair Jauregui:
Members, I know this bill was a lot to dissect in its original format, and more so with the added amendments. Commissioner Richardson, thank you for being available for questions. I know we have a few. I will let the Committee members go first, and then I will ask my questions.

Assemblywoman Carlton:
Commissioner, I will go to the part about the fraud unit, which I had a lot of concerns about last session and how that was going to be handled. We gave you two positions for that, and you are now asking for the limited powers of a police officer. Can you expand upon that? I am always very cautious about putting peace officers and Peace Officers' Standards and Training-certified folks in different areas. There are a lot of other things that go along with

that, such as heart and lung and a lot of other components. Typically, I believe you would turn your issues over to the Attorney General or to someone else. I have concerns about limited powers of a peace officer. Can you define that?

Barbara Richardson:
I can understand what you are concerned about. The issue comes into play when these folks need to get access to criminal justice information. The limited powers we are talking about is getting some training so they understand confidentiality around all criminal information they are provided. It also allows them to share information so they can do investigations. The plan is, as you noted, to turn the actual litigation or enforcement over to the Attorney General, but the group needs to have the power to actually pull criminal information in order to perform their investigation strategies in order and to send that information over to the Attorney General to actually enforce.

Assemblywoman Carlton:
That is my concern, and that is why I had concerns about this fraud unit because I did not want it turning into another police force. I have serious concerns about allowing folks access to that information. It was my impression that when they got to a certain point, it was going to be turned over to the Attorney General to do those background investigations and find out what was going on. When we had these conversations at the beginning, it was never the intent for those positions to turn into de facto cops. I have some concerns about that.

Assemblyman Flores:
I know you walked through a lot, and I do not know if there was any other way to really present that information. I am looking at the original language, and in my understanding of your amendments [Exhibit S], there is no change to section 59. Is that correct? As section 59 reads in Assembly Bill 45, is that how you intended to move?

Barbara Richardson:
That is exactly how it would be. I have no amendments to that section.

Assemblyman Flores:
Perfect. I wanted to make sure I asked that first. Looking at the language in A.B. 45 on page 59, lines 8 through 13, it talks about a captive insurer. I see there that "of competence and experience satisfactory" has been struck. Line 12 references back to NRS 694C.210, which I see goes back to the requirements of a captive insurer. I want to understand what was happening. A captive insurer has a set of criteria they have to abide by pursuant to NRS 694C.210. Now you are saying that when they are employed or entered into a contract with anyone else, that other party has to then meet the same exact requirements. I want to understand why we are doing that. Based on your answer, I might have a follow-up.

Barbara Richardson:
There are folks who are in the business of insurance who have, unfortunately, been convicted of a felony, and they come in through the side or edges. But there is a federal law, 18 U.S. Code §1033, which does not allow anyone who has committed a felony of a financial

nature to be in the business of insurance. There was no way other than going to the captive company themselves to make sure we were not having affiliates getting into the business of being supportive insurance people. That would still be considered in the business of insurance.

Assemblyman Flores:
For the clarity of the record, we are only trying to capture those folks. When I look at NRS 694C.210, I saw there are a whole host of items in there that we talk about when you go for the application. When somebody is entering into a contract of obligation with somebody else, I am thinking of it through the lens of something relatively small to where we would have the same exact criteria set in place. If you are saying that the only intent is to capture those individuals who had a felony, and they are coming in through this mechanism, then that makes sense. I wanted to make that point clear.

Barbara Richardson:
That is what the intention is. We do not want people to contract with folks to try to get around the statutes.

Assemblyman Flores:
Great. In that same section, I have one last follow-up, but I do not have to ask it. I know this bill is huge, so I can wait.

Chair Jauregui:
No, please go ahead.

Assemblyman Flores:
I am looking at page 59, lines 27 through 33. Again, I have the same questions. Under NRS 679B.125, when I was reviewing that, it says, "The Commissioner may observe the conduct of each authorized insurer and other persons who have a direct material involvement . . . ." Then it talks about if they are a qualified, disqualified, unsuitable person, et cetera. I am trying to understand what we are doing here. On page 59, line 27 of the bill, it says, "The Commissioner may periodically review the qualifications of a natural person or business organization . . . ." Is that something you can already do? I am trying to understand what you could not do before. In my understanding, you could do that already. Why do we need to clarify that? I am just trying to understand what was happening that we are clarifying.

Barbara Richardson:
We were getting information around accountants and actuaries who were supporting the captive managers or the captive companies. We have also been getting some information on the captive managers. It really came down to our being able to ask that question at some point. We do not want to spend our time doing background checks on these folks. We would like some kind of attestation that the captives themselves are making sure that they are not contracting with somebody who cannot be in the business of insurance. Sometimes that

happens by finding through other states, which we have a tendency to do, and then asking the captive manager or captive companies to ask their captive managers, actuaries, or accountants to verify that they still qualify.

Assemblywoman Tolles:
Thank you for working with stakeholders. I really appreciate the amendments and the complexity of everything you have to do. I think this is my third time through the insurance omnibus bills. I know there is a lot here, and I appreciate all the work. I believe we have a letter on the record [pages 2-4, Exhibit T] that I am reviewing. It has to do with self-insured groups. Can you give a little background on the Standard Industrial Classification (SIC) codes, including when they were first put in place, when they were authorized, and where we stand with that today?

Barbara Richardson:
The SIC codes are not covered in any part of our bill, so we have not made any requests to make changes to those statutes. I am not sure I have seen the letter you are talking about. I have heard there was a potential amendment [pages 3 and 4, Exhibit T] that was going to be coming from a consortium. I would not feel comfortable addressing that letter without actually seeing it.

Assemblywoman Tolles:
I will send it to you and take this chat offline.

Chair Jauregui:
I am hoping that organization will be on the line for testimony. If they are, I will allow you to ask your question to them.

Assemblywoman Tolles:
I know anytime we make changes to any sort of fees, whether they are lowered or raised—I think I saw sections in here. I am wondering if that makes this a two-thirds bill or just a simple majority bill. I did not see that on the amendment or the original.

Barbara Richardson:
The intention was not to alter them but to put them in a place where all the different types of licensees can find them. If you have one or more licenses, you sometimes have to search through statutory language to find the fees for one, and the other ones are in NRS Chapter 680B. We were just trying to make it easier for everybody to find the information.

Assemblywoman Tolles:
Just to clarify, it is not a two-thirds?

Barbara Richardson:
No, I do not think so.

Assemblywoman Tolles:
Somebody had asked me, so I thought I would make that clear on the record.

Chair Jauregui:
Great question, and I will ask our committee counsel, Mr. Sam Quast, when he is available to get that information to us and if moving fees from one chapter to another chapter makes it a two-thirds bill. Are there any other questions? [There were none.] I do have a couple of questions, Commissioner Richardson. I know we have worked long and hard on this bill for many months, and it has been a work in progress. I want to thank you for working with stakeholders and alleviating a lot of the concerns they had and that I had as well.

I know one of my biggest areas of concern was section 2. I felt that eliminating any due process by revoking a license without a hearing was a concern. Some of those concerns carried throughout the bill. I think they are still in there, and I want to ask again because I did not see them in the amendments. It has been so long since our initial meeting, I need to ask you to clarify for me and for the record. In many of the sections, there is language that addresses that a licensee is required to inform the Commissioner of each change of address or electronic email address within 30 days. If a licensee changes his or her business, residence, or electronic address, which would be an email, without giving written notice, and the Commissioner is unable to locate the licensee after a diligent effort, the Commissioner may revoke the license without a hearing. I know we talked about that, and maybe I missed it in an amendment, but I still have heartburn about taking someone's license away without due process, without a hearing. That is kind of what section 2 did, and we deleted that. I found it in multiple sections, so I want you to address this and whether it was in the amendments and I just missed it.

Barbara Richardson:
Section 2 was very confusing because some of it concerned how Title 57 also worked with NRS Chapter 233B, which is the general administrative code for how you handle certain types of issues. Under the statutes in administrative code, if we tried to look for you and tried to give you information as a licensee—it usually happens at renewal time—there is a requirement to work through a diligent search, which we do by using certified mail and any other process we can possibly think of to try to find somebody who seems to have disappeared off the face of the earth. There is a hearing that occurs under NRS Chapter 233B, then we send a notice and perform a hearing. Then we take the license database and try to go through all of that. It takes months between the time that we determine we cannot find somebody and the initial search for them to the time they would actually have a license go down. All that time, we are required to try to find them using any means possible. That is still in the statutes.

Chair Jauregui:
Maybe you need to send me what the steps are to help ease my concerns. You said there currently is a hearing, but the language that you are changing it to says may revoke the license without a hearing. You are taking that process out. If there was a hearing that they

then did not show up to, then you can remove their license. This would change it to the fact that there would not be a hearing necessary. You also mentioned that you send out notices by certified mail. How many pieces of certified mail do you currently send out?

Barbara Richardson:
We attempt to send out three different notices before we take any action.

Chair Jauregui:
Are all three notices sent by certified mail to all addresses associated with the licensee?

Barbara Richardson:
The final notice is sent certified mail to all known addresses. Prior to that, we will use online services. If they are potentially part of a produced work, we will try to find them through that.

Chair Jauregui:
I think I am probably going to need to have more conversations with you about this area. I know those were some of the areas that I had the biggest concern about. This language would be found in multiple sections depending on what license it was. Not having that due process in there gives me great heartburn. If we add this language, and it is just one piece of certified mail, and we remove the hearing, and if someone does not respond, they have the potential to remove their license. As I was going through the license fee structure in section 6, some of the licenses are $60, but some of them are $250, and some of them are $1,300. To have someone lose their license and then have to reapply and pay those fees again, I need to have more conversations about that because I do not feel comfortable with that language. I wish we could have had these conversations before, but we were limited with time. I am glad we are able to have them now.

I do have concerns on another section as well. I feel like this might have been amended, so you might answer my question by pointing me to the correct amendment. Again, one of the conversations we had before, but the language says on page 29, line 41, "All fees paid by the applicant with the application for a license are nonrefundable." That is nonrefundable if they do not qualify for a license, correct? Why is it that we are no longer refunding licenses for licensees who may not qualify? If someone is getting their insurance producer license, and is maybe paying $250 for a license and then getting denied for one reason or another, now they are out their $250, and they are also out of the potential career that they thought they would have to make money. We were previously refunding those fees, and now we are not refunding those fees in another area. I am thinking about who those people are who are trying to get it right. It might just be a young person forking out money to take classes and then pay to take the exam and pass the exam to get their property and casualty license, and then pay the $250 to get their property and casualty license but be denied. Now they are not just out the license money, but they are out all the money they have invested in getting to that point. Can you explain to me why we are no longer refunding them their license fee if they are not going to be granted a license?

Barbara Richardson:
The license fees are already nonrefundable except for the motor vehicle damage appraisers. That is the only one that does not specifically allow for [unintelligible] refunding of license. To help you understand our general process, before we even take a fee from an applicant, for example, for a producer applicant, you cannot finish your application unless you qualify. The only way you would get through the door and end up having to pay a fee is if you lied on your application and somehow said you qualify when in fact you do not. That is usually the issue we run into. That does not mean we have not already done the processing on the application and already viewed the application. But in order to actually get in the door online in order to pursue the application, you would have had to take a test, and that would have given you the initial qualification. Then you would have had to fill out the form, which itself filters to make sure you fill out everything correctly and have provided all the information, and there are no incorrect answers or an answer that will disqualify you. Again, as long as you have been honest in your application.

Chair Jauregui:
Every other licensee under section 6 of the bill has that same provision where their fees, if they are not qualified or approved for their license, do not get their license refunded.

Barbara Richardson:
Again, I will point out that when you say "qualification," you cannot get past the front door and never end up paying if you are not qualified.

Chair Jauregui:
If they pay the fees for their license, then they would be qualified, correct?

Barbara Richardson:
Unless they lied on their application. I want to make sure that you know there is an allowance for return of erroneously collected fees, such as an error. If an error came into place, we would look at a request for returning erroneously collected fees. We have seen it where somebody submits twice for an application, but that is their money that goes back to them.

Chair Jauregui:
I think that is it. I think we talked about all the other questions I had. I agree with Assemblywoman Carlton; I do have some concerns when we look at peace officers. I need to check with our committee counsel, but Assemblywoman Carlton brought up a good point that by giving them limited powers of peace officers, does that then move them into categories where they qualify for certain benefits such as heart and lung, and what that will do for the cost to our local governments. I will check with our committee counsel to see if he can help answer that question because that is what the Office of the Attorney General is for, and that is why departments and boards are all issued that to help work these certain scenarios.

Are there any other questions? [There were none.] I will move to testimony in support. Is there anyone wishing to testify in support of A.B. 45?

Tom Clark, representing Nevada Association of Health Plans:
We are here to present a friendly amendment [Exhibit U] to A.B. 45. In 2019, we worked with Senator Ratti on Senate Bill 234 of the 80th Session. That bill created a process in NRS 679B.124 to provide insurance carriers with notice by the Commissioner of Insurance when a provider was denied credentialing. The form letter devised by the Division of Insurance was sent to the Division at the time of the design. The process creates some confusion, so we worked with the Commissioner's office on the amendment [Exhibit U]. You will see the change that adds to NRS 679B.124 allows the Insurance Commissioner to "determine the frequency at which the health carrier shall submit a copy of the form letters" [page 1, Exhibit U]. We believe this new language will make reporting more efficient, and the process will be easier for the Division to compile the information for the mandated report to the Legislature. I signed in to speak during the support section of the hearing, but I need to speak to the record that my members are reviewing the new amendments that were put forward today. I would like to reserve the ability to switch to opposition or neutral in the future. If it occurs, I will definitely reach out to Commissioner Richardson and staff to address those concerns.

Chair Jauregui:
Is there anyone else wishing to testify in support? [There was no one.] Is there anyone wishing to testify in opposition?

Terri Chambers, representing Nevada Self-Insured Group Consortium:
The Nevada Self-Insured Group Consortium comprises seven associations of private employers and one association of public employers. Self-insured groups in Nevada provide workers' compensation coverage to nearly 3,000 employers who represent over 60,000 of Nevada's workers. I am also the director of underwriting and government relations for Pro Group Management, where we manage five of Nevada's self-insured groups. In September 2019, I retired from the Division of Insurance, Department of Business and Industry where I was Chief of the Self-Insured Workers' Compensation section for more than ten years.

The Consortium has been in communication with the Division of Insurance for several months regarding regulatory requirements, one of which is the requirement that self-insured groups maintain rating and reporting data using SIC codes. In short, SIC codes are a holdover from the old State Industrial Insurance System (SIIS). Since 1997, SIC codes have become obsolete as they were replaced by the North American Industry Classification System (NAICS).

The Consortium has proposed an amendment to NRS 616B.407 [pages 3 and 4, Exhibit T] and has suggested that NRS 616B.410 be repealed. These statutes which specifically required the use of SIC codes were enacted in 1993 when self-insured groups were first

permitted in Nevada. However, the use of SIC codes, as well as the existence of SIIS, became obsolete when Nevada opened workers' compensation to private insurers in 1999.

The proposed amendment was submitted to the Commissioner of Insurance for review on March 11, 2021. The proposed language would reinforce the Commissioner's authority to regulate the rates of self-insured groups while eliminating the obsolete requirement for self-insured groups to maintain and use SIC codes in reporting to the Division of Insurance and in determining rates.

We believe that the Division of Insurance and self-insured groups can only benefit by the amendments proposed [Exhibit T] and respectfully request the Committee's consideration. As an added point, this is our only opportunity to change the statute. If the statute does not change during the session, then for the next two years, according to Richard Staub, we will be required to report using SIC codes even though we are not prepared to do so. I would be happy to answer any questions.

Chair Jauregui:
We do have a question for you from Assemblywoman Tolles.

Assemblywoman Tolles:
Thank you for submitting your testimony on the Nevada Electronic Legislative Information System so we can review it. I understand that the self-insured groups came into being in 1993 along with the SIC codes, but they became obsolete in 1999. You are asking for this change now. I am wondering, has this been something you have been working on trying to get changed since 1999, or is there some reason why during this session you would like to see this changed? Have they been obsolete since 1999, but we are just now [unintelligible] to change, or is there something new that I missed?

Terri Chambers:
There is no question that these statutes should have been addressed a long time ago. I can only say that the reasons for not doing that, having been at the Division at that time, probably vary by commissioner, session, and what the needs were of the Insurance Division at that time. I can also tell you that at the time when I began to work in that session, the Commissioner at that time was accepting of the fact that it was no longer necessary for groups to report using SIC codes. It was something that was accepted. The Commissioner at that time also did not have an appetite for any legislation that would open up NRS Chapter 616B, which had to do with self-insured groups and self-insured employers.

The only reason it is an issue now is because the Commissioner's staff has been very adamant about groups using SIC codes and adhering, quite literally, to those statutes, and NRS 616B.407 actually has a provision that allows the Commissioner to approve an alternative way to calculate rates. That alternative has been rescinded, and staff has advised self-insured groups that they would need to follow those statutes, and they would have a year

to comply. Even with a year to comply, that means we would have to convert all of our processes to SIC codes, which are meaningless to both the Division and to the groups until the next session when we would have another opportunity to change the statutes.

To answer your question, there are multiple reasons why it was not addressed before. The reason it has become critical now is because the Commissioner's staff has been very adamant about adherence to the statutes as they are written.

Assemblywoman Tolles:
I guess my next question would be for our committee counsel. That could be offline or perhaps the Commissioner wants to answer. The Commissioner stated that this bill does not address those chapters. Would this open up that necessary chapter, NRS 616B.407, if it is not in this existing bill? I would love some clarification, and maybe we could take that offline.

Terri Chambers:
Unless they were amended out of the bill, there were statutes within the bill that did address NRS Chapter 616B, so I do not think it would be a problem to adopt the amendments we are proposing. If they have been removed by these recent amendments, that would be another story. That is probably another reason why for many years it did not get changed because all of the other statutes for insurance governed by the Division of Insurance are in Title 57, and this is a completely different chapter of statutes. It creates problems.

Assemblywoman Tolles:
Madam Chair, maybe we can follow up with our committee counsel.

Chair Jauregui:
I already sent a message to confirm the information with Mr. Quast. Is there anyone else wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify in neutral?

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:
I would like to thank the Division of Insurance for meeting with the Vegas Chamber about this bill. The conversations we did have regarding A.B. 45 were productive. The Vegas Chamber was originally opposed to the bill as drafted because of concerns associated with section 2. However, with the proposed amendment [Exhibit S] presented today by the Division of Insurance, which deletes section 2, we would be neutral with the adoption of the amendment.

Chair Jauregui:
Is there anyone else wishing to testify in neutral? [There was no one.] Commissioner Richardson, do you want to give any closing remarks?

Barbara Richardson:
I know this is complicated, so if anybody has any questions and you want to reach me offline, please do so. Just for your legal research, sections 77 and 80 through 85 are where we were talking about the Division of Industrial Relations data. That was all removed under amendment No. 11 [pages 24 and 25, Exhibit S], if that helps your committee counsel do his review.

Chair Jauregui:
It was removed under amendment No. 11. I will now close the hearing on A.B. 45. That brings us to our last item on the agenda, which is public comment. Is there anyone wishing to give public comment?

Charlie Shepard, President, AARP Nevada:
On behalf of our 345,000 members across the Silver State, I would like to thank the Committee for passing Assembly Bill 190 unanimously and showing Nevadans the importance of family caregiving by enabling family caregivers who are still working the ability to take care of their family members.

Chair Jauregui:
Is there anyone else wishing to give public comment? [There was no one.] Our next meeting will be on Monday, March 29, 2021. We will have meetings on Monday, Wednesday, and Friday of next week. I do want to note you should have received two agendas for Monday. We will be meeting at 1 p.m. with a second meeting taking place at 6 p.m.

The meeting is adjourned [at 3:04 p.m.].

RESPECTFULLY SUBMITTED:

_____
Julie Axelson
Committee Secretary

APPROVED BY:

_____
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 Assembly Bill 177, submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit D is the Work Session Document for Assembly Bill 190, submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit E is the Work Session Document for Assembly Bill 227, submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit F is the Work Session Document for Senate Concurrent Resolution 1, submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit G is a packet of Work Session Documents, dated March 26, 2021, prepared and submitted by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit H is written testimony submitted and presented by Assemblyman Howard Watts, Assembly District No. 15, regarding Assembly Bill 207.

Exhibit I is a letter dated March 29, 2021, submitted by Janine Hansen, State President, Nevada Families for Freedom, in opposition to Assembly Bill 207.

Exhibit J is a proposed conceptual amendment to Assembly Bill 327, submitted and presented by Assemblywoman Selena Torres, Assembly District No. 3.

Exhibit K is written testimony submitted by Dinisha Mingo, CEO, Mingo Health Solutions, regarding Assembly Bill 327.

Exhibit L is written testimony submitted by Sandra Gray, Owner, Innovation Behavioral Health Solutions, LLC, regarding Assembly Bill 327.

Exhibit M is written testimony, dated March 26, 2021, submitted by Eric Jeng, Director of Outreach, Asian Community Development Council, regarding Assembly Bill 327.

Exhibit N is a letter dated March 26, 2021, submitted by Laura Drucker, Legislative Co-Chair, Nevada Psychological Association, in support of Assembly Bill 327.

Exhibit O is a letter dated March 26, 2021, submitted by Evan Miller, Private Citizen, Reno, Nevada, in opposition to Assembly Bill 327.

Exhibit P is written testimony submitted by Daniel Pierrott, representing Nevada Academy of Physician Assistants, regarding Assembly Bill 327.

Exhibit Q is written testimony submitted by Lisa Scurry, Executive Director, Board of Psychological Examiners, regarding Assembly Bill 366.

Exhibit R is a document titled "Section by Section Explanation for AB 45-Regulation of Insurance," submitted by Barbara Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry.

Exhibit S is proposed amendments to Assembly Bill 45, presented by Barbara Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry.

Exhibit T is written testimony and a proposed amendment to Assembly Bill 45, dated March 26, 2021, submitted by Terri Chambers, representing Nevada Self-Insured Group Consortium.

Exhibit U is a proposed amendment to Assembly Bill 45, dated March 25, 2021, presented by Tom Clark, representing Nevada Association of Health Plans.