

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

**Eighty-First Session
April 7, 2021**

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 6:04 p.m. on Wednesday, April 7, 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:

Assemblyman Howard Watts, Assembly District No. 15
Assemblywoman Selena Torres, Assembly District No. 3

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Barbara Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry

Chair Jauregui:

[Roll was called.] On our agenda today, we have a work session. We will start with our first bill, which is Assembly Bill 45.

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

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit C](#).] The first bill is Assembly Bill 45, which was sponsored by the Committee on behalf of the Division of Insurance of the Department of Business and Industry. It was heard on March 26, 2021, and it revises provisions relating to insurance. Assembly Bill 45 makes various changes relating to insurance. Among other things, the measure:

- Revises provisions relating to bonds filed by various persons regulated by the Commissioner of Insurance;
- Revises provisions governing the service of process on certain insurers;
- Revises provisions governing the issuance, renewal, and expiration of various licenses, permits, certificates of registration, and other authorizations to engage in an activity relating to insurance;
- Provides specific requirements for stop-loss insurance policies and the insurers who issue them;
- Revises provisions governing annual disclosures by certain persons regulated by the Commissioner; and
- Transfers the duties for the licensing and regulation of employee leasing companies from the Administrator of the Division of Industrial Relations of the Department of Business and Industry to the Commissioner of Insurance of the Division of Insurance of the Department of Business and Industry.

There are several amendments for this bill. The Division of Insurance proposed 15 amendments, and 13 of them were discussed during the Committee hearing.

1. Delete section 2 of the bill, which allows for the termination of a license prior to a hearing if a licensee fails to remain qualified for that license.

2. Amend section 3 of the bill to clarify that the provisions of section 3 do not add any new requirement for a licensee, permittee, or registrant to obtain a bond.
3. Amend section 4 of the bill and certain other provisions of *Nevada Revised Statutes* (NRS) to revise procedures relating to service of process for the purposes of standardizing such procedures and allowing service to be completed using certain additional methods.
4. Delete section 6 of the bill to preserve the annual fee to conform with proposed changes in amendment 6 that govern service contract providers.
5. Amend section 11 of the bill to make clarifications to the licensing of managing general agents and section 54 of the bill to remove unintended language concerning the reinstatement period for escrow officer license type.
6. Delete sections 49 through 53 of bill relating to service contract provider provisions. Note: The Division of Insurance noted the Nevada Supreme Court ruling in the case *Home Warranty Administrator of Nevada, Inc. v. State of Nevada*, 137 Nev. Adv. Op. 5 (2021) preempts the need to alter these provisions.
7. Amend section 55 of the bill to clarify that a natural person who works for a licensed title insurer or by a firm or corporation that is licensed as a title agent, is exempt from the corporate surety bond requirements set forth in NRS 692A.1041.
8. Amend section 57 of the bill to delete the word "also" to clarify there are not two filings required to be submitted in the years following the first annual disclosure.
9. Amend sections 61 through 63 and section 67 of the bill to remove the statutory references to NRS 686B.1751 through 686B.1799 relating to worker's compensation insurance policies to only refer to the applicable statutes in these sections.
10. Amend section 64 of the bill to remove "and be in an amount determined by the commissioner," as the required bond amounts for entities licensed under Chapter 695D of NRS are contained in NRS 695D.170.
11. Delete section 77 and sections 80 through 85 of the bill, concerning employee leasing companies, as these sections are duplicate language to Senate Bill 55.
12. Amend the bill to incorporate the 2019 revisions to the Credit for Reinsurance Model Law 785 and Model Regulation 786 adopted by the National Association of Insurance Commissioners.
13. Amend the bill to modify current provisions in NRS regarding group capital calculation and liquidity stress test requirements for group insurers to conform with changes adopted by the National Association of Insurance Commissioners.

The two most recent ones begin with amendment No. 14.

14. Delete section 76 of the bill, which provides the limited powers of a peace officer to certain agents of the fraud unit within the Division.
15. Amend sections 12, 15, and 54 of the bill to delete provisions allowing the commissioner to revoke a license of a managing general agent, an insurance consultant, and an escrow officer for not updating his or her contact information.

There are two additional amendments that were also discussed during the hearing. The first one was from Terri Chambers with the Nevada Self-Insured Group Consortium. It would amend NRS 616B.407 to revise provisions relating to standard industrial classifications (SIC) to provide an alternative to the methodology for the calculation of the assessment required to be paid by each member of an association of self-insured public or private employers and repeal NRS 616B.410, which requires the Commissioner to cause certain audits to be conducted and which contains references to standard industrial classifications.

The second additional amendment is by Tom Clark who represents the Nevada Association of Health Plans, which proposed to amend the bill to revise NRS 679B.124 to require the Commissioner of Insurance to determine the frequency that a health carrier must submit a copy of the letter notifying a health care provider of the denial of his or her application to be included in the network of providers of the health carrier to the Commissioner.

Chair Jauregui:

Is there any discussion on the bill before you?

Assemblywoman Tolles:

I want to thank the Commissioner for all of the amended work, as we can see by the work session document [[Exhibit C](#)], and for working with all of the stakeholders. I had asked some questions about the self-insured groups, and I wanted to follow up on the record that I did have a follow-up conversation with the Commissioner, and I know she has had conversations with the self-insured groups about the clarifications about the SIC codes. The Commissioner did follow up with that document as well as with conversations with the self-insured groups. That satisfied my questions, and I wanted to make sure I followed up on the record on that. I appreciate that the Commissioner is continuing to work with those groups to get that implementation process right.

I do have a question before we vote on this about section 59, subsection 3. With the amendments, we amended out section 2, which had some due process concerns, but subsection 3, paragraph (b) still says, "Suspend or revoke the license of the captive insurer." I did not know if that got amended to make sure we were not skipping any due process. Can I get that clarification? I did not see it in the amendments, but it may be there and I just missed it.

Barbara Richardson, Commissioner of Insurance, Division of Insurance, Department of Business and Industry:

There are no due process issues that are brought up by that particular section because we have to follow NRS Chapter 233B, which is the Nevada Administrative Procedure Act, which puts us in a whole series of due process issues that are all taken care of before we end up in that last spot. That is like the final note.

Assemblywoman Tolles:

Perfect. That is what I thought. I just did not see it spelled out, and I am glad to support.

Chair Jauregui:

Is there any other discussion? [There was none.] I want to take the point to thank the Commissioner for addressing the concerns of all the members on here who had concerns and working with the stakeholders to get to the place it is today. With that, I will accept a motion to amend and do pass A.B. 45.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 45.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman O'Neill. [A letter of support, [Exhibit D](#), was not discussed but will become part of the record.]

Next, we will move to the work session on Assembly Bill 47.

Assembly Bill 47: Revises provisions relating to unfair trade practices. (BDR 52-425)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit E](#).] Assembly Bill 47 was sponsored by the Committee on behalf of the Attorney General. It was heard on March 15, 2021, and it revises provisions relating to unfair trade practices. Assembly Bill 47 requires a person who is required to file notification under the federal Hart-Scott-Rodino Antitrust Improvements Act of 1976 to simultaneously submit a copy of the filing to the Attorney General. The measure also requires a notice to be filed before the consummation of certain mergers or acquisitions. The Attorney General may issue written investigative demands upon a party to the intended merger or acquisition after receiving a notice and impose a civil penalty for violations of the notice requirements. The measure prohibits certain provisions of certain health care contracts or policies unless approved by the Attorney General. The measure further makes it unlawful to enter into an agreement that restrains a person from engaging in a lawful

profession, trade, or business of any kind. The measure also revises provisions relating to proceedings instituted by the Attorney General under *Nevada Revised Statutes* (NRS) Chapter 598A known as the Nevada Unfair Trade Practices Act.

There is an attachment loaded on the Nevada Electronic Legislative Information System with an additional exhibit behind this work session page [pages 3-14, [Exhibit E](#)]. Mark Krueger with the Office of the Attorney General proposed ten amendments:

1. Amend sections 2 through 10 of the bill to delete the requirements set forth in those sections and instead: (1) require a person who files a notification with the Federal Trade Commission or the United States Department of Justice under the federal Hart-Scott-Rodino Antitrust Improvements Act of 1976 of a transaction that includes group practice or health carrier assets in Nevada, to simultaneously submit a copy of the filing to the Attorney General; (2) require a person conducting business in this state that is a party to a reportable health care transaction, to submit a notification to the Attorney General at least 30 days before the consummation of the transaction on a form prescribed by the Attorney General; (3) provide that this notification requirement is satisfied if the person submits to the Attorney General a filing under the Hart-Scott-Rodino Act or a copy of certain filings required to be filed with the Division of Insurance; (4) require that all such information received must be kept confidential as required under NRS 598A.110; and (5) provide for the imposition of a civil penalty not to exceed \$1,000 per day for willful violations.
2. Delete section 11 of the bill which prohibits certain agreements which restrain a natural person from engaging in a lawful profession, trade, or business.
3. Delete sections 12, 22, and 24 of the bill which require certain health care contracts to be approved by the Attorney General.
4. Amend section 13 of the bill to define "affiliate," "group practice," "practitioner," and "reportable health care or health carrier transaction" and eliminate certain definitions which are unnecessary due to the deletion of section 12 of the bill.
5. Delete section 14 of the bill to retain provisions relating to restrictive covenants.
6. Delete section 15 of the bill, which provides that certain agreements or policies that restrict the ability of a provider to provide a health care service or restrict the amount of a health care service provided within certain geographic areas constitute a contract, combination, or conspiracy in restraint of trade under certain circumstances.
7. Amend section 18 of the bill to specify that all public officers "of any state agency, board, or commission" are required to provide certain information and assistance to the Attorney General relating to investigations and proceedings instituted by the Attorney General under the Nevada Unfair Trade Practice Act.

8. Amend section 20 of the bill to remove the word "other" regarding equitable relief for violations under the Nevada Unfair Trade Practice Act.
9. Amend the bill to revise the provisions of NRS 598A.110 to provide that certain information received by the Attorney General is: (1) exempt from the provisions of NRS 439.914, requiring certain information to be disclosed to the executive director of the Patient Protection Commission; and (2) required to be kept confidential by the Attorney General prior to the entry of a protective order in an action brought under the Nevada Unfair Trade Practice Act.
10. Amend section 25 of the bill to retain the provisions of NRS 613.195 governing a noncompetition covenant. Instead, amend the provisions of NRS 613.195 to: (1) prohibit a noncompetition covenant from applying to employees who are paid on a solely hourly wage basis, exclusive of tips and gratuities; (2) provide that an employer may not bring an action to restrict employees from providing service to a former customer or client under certain circumstances; and (3) provide that an employer is liable to an employee for attorneys' fees and costs, if a noncompetition covenant is found to be unlawful or the employer is found to have violated certain provisions of NRS 613.195.

Chair Jauregui:

Is there any discussion on the bill before you?

Assemblywoman Tolles:

I had some great conversations with the Office of the Attorney General and some of the interested parties, and I understand there is some specific language we are still looking at within this provision. I am waiting to see that final Legislative Counsel Bureau language, and I may need to address something on the floor. I am a yes out of Committee on this, but I want to say on the record that I am waiting for some specific clarification on a couple of those points that are still being worked out.

Assemblywoman Dickman:

I still have some serious concerns with this bill, and I am having a hard time at the moment. I am going to vote no, but I may change my vote on the floor after I see additional language.

Assemblyman O'Neill:

I will vote yes, but I reserve my right to change my vote on the floor. I want to hear some clarifications on a few bills and talk to the hospital also.

Assemblywoman Kasama:

I am a ditto to that as well.

Chair Jauregui:

If it is just letting me know that you are reserving your right, that is always the assumption. If you are going to vote one way, we assume you are going to vote that way on the floor unless you tell us otherwise. With that, I would accept a motion to amend and do pass A.B. 47.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 47.

ASSEMBLYWOMAN DURAN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED
NO.)

I will assign the floor statement to Assemblywoman Considine. We will move to our next bill on our work session, which is Assembly Bill 61.

Assembly Bill 61: Revises provisions relating to trade practices. (BDR 52-424)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit F](#).] Assembly Bill 61 was sponsored by the Committee on behalf of the Attorney General. It was heard on February 24, 2021, and it revises provisions relating to trade practices. Assembly Bill 61 makes various changes relating to deceptive trade practices. Among other things, the measure:

- Provides that certain offenses relating to robocalling are a deceptive trade practice and increases the penalties for such offenses from a misdemeanor to a category C felony and a civil penalty of not more than \$10,000 for each violation;
- Makes it a deceptive trade practice to sell, rent, or offer to sell or rent certain goods and services during a state of emergency or declaration of disaster for a price that is grossly in excess of the usual prices for that good or service;
- Makes it a deceptive trade practice to use an unconscionable practice in a transaction;
- Revises the criminal penalties imposed for engaging in a deceptive trade practice and establishes a tier of penalties based on the value of the property or service that mirror the penalties for theft; and
- Eliminates the statute of limitation for certain civil actions and criminal prosecutions involving deceptive trade practices.

The measure also authorizes the Consumer's Advocate of the Bureau of Consumer Protection of the Office of the Attorney General to have access to all records in the possession of any agency of this state that he or she determines are necessary to exercise his or her powers relating to consumer protection.

Again, there are several amendments, and they were proposed by Mark Krueger of the Office of the Attorney General.

1. Amend section 1 of the bill to create a tiered penalty structure for certain offenses relating to robocalling.
2. Amend section 3 of the bill to: (1) provide that the prohibition on selling, renting, or offering to sell or rent a good or service for a price that is grossly in excess of the usual price for the good or service applies only to a state of emergency or declaration of disaster that has been in effect for 75 days or less; (2) revise the conditions under which a price will not be grossly in excess of the usual price to account for the value of the good or service; and (3) require the Attorney General to prepare certain reports.
3. Delete section 4 of the bill, which makes it a deceptive trade practice to violate any provisions of the federal Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act.
4. Amend the bill to make certain actions relating to caller identification information in connection with a solicitation by telephone, text, or sales presentation a deceptive trade practice.
5. Amend the bill to allow certain civil penalties for deceptive trade practices directed toward a minor person, elderly person, or a person with a disability to be imposed in certain administrative actions.
6. Amend section 7 of the bill to amend the definition of "unconscionable practice" for the purposes of the provisions of that section making it a deceptive trade practice to use an unconscionable practice in a transaction.
7. Amend section 12 of the bill to revise the circumstances under which a court is required to issue an order enforcing the provisions of an order issued by the Director of the Department of Business and Industry concerning a deceptive trade practice.
8. Amend section 17 of the bill to allow an employee of the Consumer Affairs Unit of the Department of Business and Industry, or an employee of the Attorney General to serve process in certain civil actions relating to deceptive trade practices.
9. Delete section 20 of the bill, which makes it a deceptive trade practice to violate certain requirements on certain entities that handle personal nonpublic information relating to the security of such information.

10. Amend the bill to retain the time periods set forth in existing law for commencing a civil action or criminal prosecution against a person for the commission of a deceptive trade, with the exception of such a civil action brought by the Attorney General. For a civil action against a person for the commission of deceptive trade practice brought by the Attorney General, provide that there is no limitation on the period of time in which such an action must be commenced.
11. Amend section 31 of the bill to authorize the Consumer's Advocate of the Bureau of Consumer Protection of the Office of the Attorney General to have access to all records of a board or commission that he or she determines are necessary to exercise his or her powers relating to consumer protection.
12. Amend the bill to transfer authority for the registration and regulation of credit service organizations from the Division of Mortgage Lending of the Department of Business and Industry and the Commissioner of Mortgage Lending, to the Consumer Affairs Unit of the Department of Business and Industry and the Commissioner of Consumer Affairs.

Chair Jauregui:

Is there any discussion on the bill before you?

Assemblywoman Kasama:

I want to thank the Office of the Attorney General. I did have communication back and forth with some concerns I had about the bill. Many of those were answered. I still have concerns with some of the products and the definitions for being a little bit too broad. I am a little concerned about amendment 12 in moving it from the Mortgage Lending Division to Consumer Affairs. I still have issues with it. I thank the Attorney General for the information, but I will be voting no.

Chair Jauregui:

Is there any other discussion? [There was none.] I would accept a motion to amend and do pass A.B. 61.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 61.

ASSEMBLYWOMAN MARZOLA 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 Assemblyman Flores. Our next item on the agenda is the work session for Assembly Bill 207.

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)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit G.](#)] Assembly Bill 207 was sponsored by Assemblyman Watts and heard by the Committee on March 26, 2021. It provides that certain businesses which offer goods or services to the general public in this state through an Internet website, mobile application, or other electronic medium, regardless of whether or not the business is operated from a physical location, is considered to be a "place of public accommodation." Certain private online discussion forums with not more than 1,000 members are exempt from the provisions governing places of public accommodation.

Assemblyman Watts proposed one amendment. It would amend the definition of "online establishment" in section 1, subsection 3, of the bill to specify that a business, whether or not conducted for profit, that offers goods or services to the general public in this state through an Internet website, mobile application, or other electronic medium is an "online establishment" unless the business is operated from a physical location in this state.

Chair Jauregui:

Is there any discussion on the bill and the amendment before you? [There was none.] With that, I would accept a motion to amend and do pass A.B. 207.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 207.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion on the motion?

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

Seeing that Assemblyman Watts is here, I will assign that floor statement to him. The next bill on our work session document is Assembly Bill 298.

Assembly Bill 298: Revises provisions relating to noncommercial vehicle leases. (BDR 8-782)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit H.](#)] Assembly Bill 298 was sponsored by Assemblyman Flores and heard by the Committee on April 2, 2021. It revises provisions relating to noncommercial vehicle leases. Assembly Bill 298 requires the Commissioner of the Division of Financial Institutions of the Department of Business and Industry to prescribe forms to be used for the lease of a vehicle if the lessor is a dealer and the lease is

a noncommercial vehicle lease. The measure sets forth certain requirements for a noncommercial vehicle lease that are similar to certain requirements for retail installment contracts. The term "vehicle lease" is changed to "open-end vehicle lease" to account for the provisions in the bill concerning a noncommercial vehicle lease, while maintaining the requirements of existing law concerning the establishment of the residual value of a lease for a vehicle where the lessee's obligation upon termination or expiration of the lease is based on the excess of the unamortized capitalized costs of the vehicle over its residual value.

Assemblyman Flores has proposed five amendments, which he went over in detail during the Committee hearing. The amendments are:

1. Amend the bill to add provisions concerning the enforceability of contractual provisions in a consumer vehicle lease agreement regarding default on the part of the lessee.
2. Amend section 2 of the bill to delete the requirement that the Commissioner of Financial Institutions prescribe forms to be used for the lease of a vehicle if the lease is a noncommercial vehicle lease and the lessor is a dealer.
3. Amend the bill to require dealers, when leasing a used vehicle under a consumer vehicle lease, to: (1) use a lease agreement that contains certain specified terms and meets certain requirements; and (2) provide certain specified disclosures to a lessee prior to obtaining the lessee's signature on the lease agreement. Additionally, provide that the failure of a dealer to obtain a lessee's signature on the required disclosures prior to entering such a consumer lease vehicle agreement will result in the lease agreement being deemed a credit sale.
4. Amend the bill to provide: (1) that a dealer that violates the requirements of the bill concerning consumer vehicle leases commits a deceptive trade practice; and (2) authorize certain persons to bring a civil action against a dealer for such violations.
5. Amend section 7 of the bill to: (1) change the term "noncommercial vehicle lease" to "consumer vehicle lease" and revise the definition of that term; (2) revise the definition of "open-end vehicle lease"; and (3) define "closed-end vehicle lease."

Chair Jauregui:

Members, the bill before you is the bill that was presented during the hearing on Friday, April 2, 2021. Is there any discussion on the bill before you? [There was none.] I would accept a motion to amend and do pass A.B. 298.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 298.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Flores. The next item on the agenda is the work session for Assembly Bill 308.

Assembly Bill 308: Revises provisions relating to landlords and tenants. (BDR 10-880)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, Exhibit I.] Assembly Bill 308 is sponsored by Assemblyman Frierson and was heard by the Committee on April 5, 2021. It revises provisions relating to landlords and tenants. Assembly Bill 308 makes a technical change to revise the term "security" to "security deposit" for the purposes of the Residential Landlord and Tenant Act. The measure prohibits a landlord from charging a late fee in a tenancy that is longer than week to week as long as the rent is paid within three calendar days of the due date. The bill extends from 45 to 60 the number of days' notice a landlord must provide of a rent increase. For periodic tenancies of less than one month, the number of days' notice required is extended from 15 to 30. There are no proposed amendments.

Chair Jauregui:

Is there any discussion on the bill before you? [There was none.] I would accept a motion to do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
ASSEMBLY BILL 308.

ASSEMBLYWOMAN KASAMA SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED
NO.)

I will assign the floor statement to Assemblywoman Carlton. The next item on our work session is Assembly Bill 327.

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

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, Exhibit J.] Assembly Bill 327 was sponsored by Assemblywoman Torres and was heard by the Committee on March 26, 2021. It requires certain mental health professionals to complete continuing education relating to cultural

competency. Assembly Bill 327 requires certain mental health professionals to complete a certain number of hours of instruction concerning cultural competency and diversity, equity, and inclusion as part of their continuing education.

There are six proposed amendments. The first five were proposed by the sponsor, and they are:

1. Amend section 2, subsection 3, paragraph (c), of the bill to remove the phrase "who provides psychiatric care," thereby requiring all nurses licensed pursuant to *Nevada Revised Statutes* (NRS) Chapter 632 to complete instruction relating to cultural competency and diversity, equity, and inclusion as part of their continuing education.
2. Amend the bill to remove references requiring certain mental health professionals to complete at least six hours of instruction relating to cultural competency and diversity, equity, and inclusion and replace with at least two hours of instruction relating to cultural competency and diversity, equity, and inclusion.
3. Amend the bill to require each board specified in the bill to accept as credit for continuing education, training received pursuant to NRS 449.103. Note: Senate Bill 364 of the 80th Session required agents or employees of medical facilities, facilities for the dependent, and certain other facilities who provide care to a patient, to receive training concerning cultural competency and sensitivity to certain issues.
4. Amend the bill to require a behavior analyst, licensed pursuant to Chapter 437 of NRS, to complete at least two hours of instruction relating to cultural competency and diversity, equity, and inclusion as part of his or her continuing education.
5. Amend the bill to require a person licensed or certified pursuant to Chapter 641C of NRS, to complete at least one hour of instruction relating to cultural competency and diversity, equity, and inclusion as part of his or her continuing education for each year of the term of the applicant's licensure or certification.

The sixth proposed amendment is from Michael Hillerby on behalf of the State Board of Nursing. He proposes to amend the effective date of the bill to January 1, 2022, for all other purposes.

Chair Jauregui:

Is there any discussion on the bill and amendments before you? [There was none.] I would accept a motion to amend and do pass A.B. 327.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 327.

ASSEMBLYWOMAN TOLLES 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 Torres, who is with us today. Our next bill on work session is Assembly Bill 359.

Assembly Bill 359: Revises provisions governing trade practices. (BDR 52-684)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit K](#).] Assembly Bill 359 was sponsored by Assemblywoman Considine. It was heard by the Committee on April 2, 2021, and it revises provisions governing trade practices. Assembly Bill 359 provides that it is a deceptive trade practice not to provide certain translations in a language other than English of certain contracts, agreements, or disclosures to certain persons. The bill requires a person who, in the course of his or her business or occupation, negotiates certain transactions in a language other than English, or allows an employee or agent of the person to negotiate certain transactions in a language other than English, to provide a translation of the contract or agreement, that results from such negotiations, in the language that was used in the negotiation to the person who is party to the contract. A person must post a notice, in a conspicuous place, that such translations are required and notify the person who is being negotiated with in a language other than English that translations are required. A person who is aggrieved by a party that fails to comply with these provisions may rescind the contract or agreement.

These were amendments that were very well explained during the Committee hearing. Assemblywoman Considine did provide clarification on amendment No. 4. The amendments are:

1. Amend section 3, subsection 1, of the bill to add "a transaction" to the meaning of "contract or agreement," as used in sections 3 through 9 of the bill.
2. Delete "a retail installment contract or account or other revolving sales or loan account" from the documents excluded from the definition of "contract or agreement" set forth in section 3, subsection 3, paragraph (a), of the bill.
3. Amend section 4 of the bill to revise the requirement that a person provide certain translations of certain contracts or agreements in a language other than English if the person, or an employee or agent of the person, has negotiated in a language other than English, to require such translations be provided only if such a person has also advertised in a language other than English.
4. Amend section 4, subsection 3, paragraph (b), of the bill for the purposes of specifying that transactions involving a "credit instrument," which is defined in *Nevada Revised Statutes* 463.01467 to generally mean a writing evidencing certain

gaming debts, is not an "unsecured loan that is used for personal, family, or household purposes" for which a translation of a contract or agreement that results from the transaction is required.

5. Delete section 6 of the bill, which requires a person to post a notice in a conspicuous place and notify the person who is being negotiated with in a language other than English that such translations are required.
6. Delete section 7 of the bill, which provides that such contracts or agreements or disclosures are not required to be translated if the person who is the party to the contract participated in negotiations through the person's own translator.

Chair Jauregui:

Is there any discussion on the bill and amendments before you?

Assemblywoman Kasama:

Assemblywoman Considine, did you add an effective date? What would be the effective date of this? I was looking, and maybe I missed that.

Assemblywoman Considine:

The effective date would be October 1 because it was not listed. Therefore, it automatically becomes October 1.

Assemblywoman Kasama:

I remember you talking about that.

Chair Jauregui:

Is there any other discussion? [There was none.] I would accept a motion to amend and do pass A.B. 359.

ASSEMBLYMAN FLORES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 359.

ASSEMBLYWOMAN CARLTON 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 Considine. The last item on the work session is Assembly Bill 442.

Assembly Bill 442: Revises requirements concerning training of certain providers of health care. (BDR 54-450)

Marjorie Paslov-Thomas, Committee Policy Analyst:

[Read from the work session document, [Exhibit L](#).] Assembly Bill 442 was sponsored by the Committee on behalf of the Legislative Committee on Health Care, and it was presented by Assemblyman Orentlicher during the hearing on April 2, 2021. It revises requirements concerning training of certain providers of health care. Assembly Bill 442 requires certain health care providers to complete training in the screening, brief intervention, and referral to treatment (SBIRT) approach to substance use disorder. An applicant for the issuance of certain health care licenses must, on or after January 1, 2024, have completed at least two hours of training in SBIRT to be issued a license. Certain health care providers who have been issued a license by endorsement must, on or after January 1, 2024, complete at least two hours of training in SBIRT within six months after the date the license was issued. The measure also allows training in SBIRT to satisfy certain continuing education requirements for certain health care providers. Additionally, certain health care providers may use a federal registration to dispense narcotic drugs for maintenance treatment or detoxification treatment to satisfy certain continuing education requirements.

As you recall, Assemblyman Orentlicher proposed the following amendment:

1. Amend the bill to eliminate provisions that require health care professionals to have two hours of training in SBIRT in order to obtain an initial license in Nevada. Instead, require health professionals who:
 - a. Are currently licensed in this state to obtain two hours of continuing education in SBIRT by January 1, 2024; and
 - b. Receive a license to practice in Nevada after the effective date of this bill to obtain two hours of continuing education in SBIRT during their first period of licensure in this state.

Chair Jauregui:

Is there any discussion on the bill before you? [There was none.] I would accept a motion to amend and do pass A.B. 442.

ASSEMBLYWOMAN CARLTON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 442.

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 Assemblyman Orentlicher, and I will assign Assemblywoman Duran as a backup since he is not here.

The last item on our agenda is public comment. Is there anyone wishing to give public comment? [There was no one.] Our next Committee meeting is scheduled for Friday. Please read the agenda and note the time we will be starting. We will be starting earlier than our regularly scheduled start time.

The meeting is adjourned [at 6:44 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 45](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a letter dated March 2, 2021, submitted by Paul Martin, Vice President, State Relations, Reinsurance Association of America, in support of [Assembly Bill 45](#).

[Exhibit E](#) is the Work Session Document for [Assembly Bill 47](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 61](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 207](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 298](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 308](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 327](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 359](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 442](#), submitted and presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.