

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

**Eighty-First Session
April 9, 2021**

The Committee on Commerce and Labor was called to order by Chair Sandra Jauregui at 2:29 p.m. on Friday, April 9, 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 Selena Torres, Assembly District No. 3
Assemblyman John Ellison, Assembly District No. 33
Assemblywoman Natha C. Anderson, Assembly District No. 30



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Heidi Sterner, Legislative Chair, Nevada State Association of Health Underwriters

Chair Jauregui:

[Roll was called. Committee protocols were explained.] Let us roll right into our work session, starting with Assembly Bill 180. Ms. Paslov-Thomas, if you are ready, will you present Assembly Bill 180?

Assembly Bill 180: Revises provisions governing policies of insurance which provide for the payment of expenses which are not covered by Medicare. (BDR 57-857)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 180 is sponsored by Assemblywoman Hansen [Ms. Paslov-Thomas read from [Exhibit C](#)]. It was heard on March 24, 2021. It revises provisions governing policies of insurance which provide for the payment of expenses which are not covered by Medicare. Assembly Bill 180 requires the Commissioner of Insurance to adopt regulations requiring each insurer that issues an insurance policy providing for the payment of expenses not covered by Medicare to offer at least one such policy to provide coverage for persons with a disability who are less than 65 years of age and eligible for Medicare. There are three proposed amendments.

The Division of Insurance, Department of Business and Industry, proposes the following amendments:

1. Amend the bill to add a definition for "policy to supplement Medicare" as provided for in *Nevada Administrative Code* 687B.204.
2. Amend subsection 1 of section 1 of the bill to add "by reason of disability, as defined by U.S. Code Section § 426(b), and allow insurers to develop premium rates specific to this class of insured."

Heidi Sterner, Legislative Chair, Nevada State Association of Health Underwriters, proposes the following amendment:

3. Amend subsection 1 of section 1 to require each insurer offering a policy to supplement Medicare to offer the Medicare Guarantee Issue plans to provide coverage for persons who are less than 65 years of age and qualify for Medicare because of a disability.

Chair Jauregui:

Members, any discussion on the bill and the amendments before you?

Assemblywoman Carlton:

I have a couple of clarifying questions and one possible concern.

Chair Jauregui:

I believe I do see Ms. Sterner on here, who might be able to help answer questions, but I do not see Assemblywoman Hansen.

Assemblywoman Carlton:

That is fine. I am going back. I want to make sure that I remember things. There have been so many bills. Currently, insurers can sell this product, they just do not sell it right now. The impetus behind the bill is to mandate that they sell this line of insurance. Am I correct?

Heidi Sterner, Legislative Chair, Nevada State Association of Health Underwriters:

Yes, you are correct.

Assemblywoman Carlton:

That is my problem. I have never been very supportive of mandates. It is a difficult position to have, but the industry can figure out what they can sell. If they had penciled this out and actuarially figured out that they could not sell this because people would not be able to afford it, our mandating that they sell it is not going to change anything because the cost is probably going to be too high. Then there is a concern about the essential health benefits that were in the Patient Protection and Affordable Care Act. After 2011 when those benefits were set—and I am not sure if this would be considered a benefit or a product. It gives me a little concern there. But if we are offering something like this and it ends up being interpreted as a benefit in the future, then there could be possible issues with the state being on the hook because it is about 45 *Code of Federal Regulations* § 155.170, additional required benefits. I believe this could be opening up other issues, so I am a no on this bill. I do not believe it is our responsibility, when a product is being offered, to make somebody have to offer it. So I have concerns that the cost of this might be prohibitive in the long run, and there might be a better way to solve this problem in the future rather than a mandate.

Chair Jauregui:

Members, any other questions on the amendment before you? [There were none.] With that, I will accept a motion to amend and do pass Assembly Bill 180.

ASSEMBLYWOMAN TOLLES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 180.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO.)

I will assign the floor statement to Assemblywoman Hansen with Assemblywoman Kasama as a backup. Next item on the agenda is Assembly Bill 222.

Assembly Bill 222: Revises provisions governing employment practices. (BDR 53-739)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 222 is sponsored by Assemblywoman Torres [Ms. Paslov-Thomas read from [Exhibit D](#)]. It was heard on March 17, 2021, and revises provisions governing employment practices. Assembly Bill 222 codifies in statute the whistle blower protections established by the Nevada Supreme Court for employees who report to appropriate authorities, whether internal or external to the employer, conduct by the employer that the employee reasonably and in good faith suspects may be illegal. The measure applies those protections to reports of conduct that the employee reasonably and in good faith suspects may be unsafe. The measure further provides the same protections to employees who request the correction of or refuse to engage in such conduct. The measure establishes procedures for certain civil actions concerning unlawful employment practices. The measure also revises provisions governing the limitation on certain civil actions concerning unlawful employment practices.

Assemblywoman Jauregui proposes the following amendments:

1. Amend subsection 1 of section 1 of the bill to provide protections to an employee who makes a report pursuant to *Nevada Revised Statutes* (NRS) 618.435, or refuses to engage in or reports to his or her employer, or an appropriate authority, conduct that the employee reasonably and in good faith suspects may be illegal or unsafe. However, for the protections to apply to an employee who refuses to engage in such conduct, both the employee's suspicion that the conduct may be illegal or unsafe and the employee's refusal to engage in such conduct must be reasonable.
2. Amend subsection 2 of section 1 of the bill to allow an employee who suffers an adverse employment action as a result of a violation of subsection 1 to, in a civil action brought against the employer, obtain: (1) past and future general compensatory damages; and (2) punitive damages if appropriate under NRS 42.005, but NRS 42.007 does not apply to an action under this section.

3. Amend subsection 3 of section 1 of the bill to require a court to award reasonable costs in an action brought under section 1, only to an employee who prevails in such an action.
4. Delete subsections 3 and 4 of section 3 of the bill, which provides that if a discharged employee makes a prima facie showing in a civil action against his or her employer that the employee was discharged in retaliation for opposing the employer's engagement in certain unlawful practices or participating in any manner in an investigation, proceeding, or hearing concerning such practices, the burden of proof shifts to the employer to demonstrate that the employee engaged in other conduct in the workplace that constitutes gross misconduct sufficient to independently justify the discharge of the employee.

Chair Jauregui:

Members, any discussion on the amendments before you?

Assemblyman Frierson:

Madam Chair, I do not want to oversimplify it, but is the nature of this amendment having A.B. 222 refer to adopting the case law into statute? Is that the essence of the amendment?

Assemblywoman Selena Torres, Assembly District No. 3:

I can talk about the intent of the amendment. My understanding is that it is referring to the case law, but then additionally it is allowing for the employee to still report to the employer.

Chair Jauregui:

Yes, the intent was to codify the case law. Members, any other questions? [There were none.] Seeing none, I will accept a motion to amend and do pass Assembly Bill 222.

ASSEMBLYMAN FLORES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 222.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Any discussion on the motion?

Assemblywoman Tolles:

I just wanted to briefly say how much I appreciate the sponsor. She addressed some of my concerns but not all of them, so I will still be a no, but I do appreciate that she did work to make it better. Thank you.

Chair Jauregui:

Any other discussion? [There was none.]

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

I will assign that floor statement to Assemblywoman Torres. Next on the agenda is Assembly Bill 277. Ms. Paslov-Thomas, would you present the bill?

Assembly Bill 277: Revises provisions governing insurance. (BDR 57-984)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 277 is sponsored by Assemblywoman Duran and was heard in this Committee on March 29, 2021 [Ms. Paslov-Thomas read from Exhibit E]. It revises provisions governing insurance. Assembly Bill 277 requires the amount paid by an insurance company for the optional coverage for the payment of reasonable and necessary medical expenses resulting from a crash be based on the usual and customary charges for the locality where the medical expenses were incurred. Any such payment made to an insured person by the insurance company may be deposited to the trust account maintained by the attorney of the insured person under certain circumstances. The measure revises provisions relating to the exchange of medical and insurance information by certain persons involved in a personal injury claim under a motor vehicle insurance policy covering a passenger car. There are two proposed amendments.

Kaylyn Kardavani, Associate Director of Government Affairs, Nevada Justice Association, proposes the following amendments:

1. Amend section 1 of the bill to change the term "usual and customary charges" to "actual charges incurred."
2. Amend section 2 of the bill to delete the requirements set forth in section 2 of the bill and instead reorganize and revise the provisions of *Nevada Revised Statutes* 690B.024 relating to the exchange of medical and insurance information by a claimant, a claimant's attorney, a party, a party's attorney, and an insurer involved in a claim for personal injury asserted under a motor vehicle insurance policy covering a passenger car or motorcycle.

Chair Jauregui:

Members, any questions on the amendment before you or the bill before you? [There were none.] Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN FLORES MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 277.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

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

I will assign that floor statement to Assemblywoman Duran. Ms. Paslov-Thomas, if we could proceed to Assembly Bill 278, please?

Assembly Bill 278: Provides for the collection of certain information from physicians.
(BDR 54-771)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 278 is sponsored by Assemblywoman Duran and was heard in this Committee on March 24, 2021 [Ms. Paslov-Thomas read from [Exhibit F](#)]. This provides for the collection of certain information from physicians. Assembly Bill 278 requires the Department of Health and Human Services to develop and make available to the Board of Medical Examiners and the State Board of Osteopathic Medicine a data request to be administered to applicants for the renewal of a license or a biennial registration. The data request must solicit certain information about the practice of the applicant and the information must be transmitted to the Department. The Department must collect and maintain the confidential information received from the respective licensing boards.

Assemblywoman Duran proposes the following amendments:

1. Amend sections 1 and 2 of the bill to require an applicant for the renewal of a license or a biennial registration to practice allopathic or osteopathic medicine to provide the required data request to the Department of Health and Human Services, rather than to the Board of Medical Examiners or the State Board of Osteopathic Medicine. Require those boards to make the data request available to applicants on an electronic application for renewal or through a link to the Department included on the website of the board. An applicant must respond to this request but is not subject to disciplinary action by the board, including refusal to renew a license or issue a biennial registration, for refusal or failure to do so.
2. Amend section 4 of the bill to revise the type of information the data request must solicit about the practice of the applicant.
3. Amend the bill to require the Department to prepare an annual report regarding physician practice and employment trends in this state and post the report on its Internet website.

Chair Jauregui:

Members, any questions on the amendments before you? [There were none.] Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 278.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

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

I will assign that floor statement to Assemblywoman Duran. Ms. Paslov-Thomas, if we could proceed to Assembly Bill 330?

Assembly Bill 330: Establishes provisions governing occupational training and licensing. (BDR 54-759)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 330 is sponsored by Assemblyman Ellison [Ms. Paslov-Thomas read from [Exhibit G](#)]. It was heard on March 22, 2021. It establishes provisions governing occupational training and licensing. Assembly Bill 330 provides that a person who in secondary or postsecondary education completes a training program in occupational, vocational, career, trade, or technical education and receives a certificate for the completion of the program is eligible to receive equivalent credit towards related professional and occupational licenses and certifications. The measure provides for the appeal of a denial of equivalent credit by a regulatory body. Each regulatory body, in coordination with the State Board of Education, must adopt regulations regarding the eligibility of equivalent credits toward such a license and certificate.

Assemblyman Ellison proposes the following amendment:

- Amend subsection 4 of section 1 of the bill to require each regulatory body, in coordination with the Nevada Department of Education and the Nevada System of Higher Education, to adopt regulations to effectuate the provisions of section 1, rather than the State Board of Education.

Chair Jauregui:

Members, any questions?

Assemblywoman Carlton:

I am a little confused by the amendment in where the regulatory function actually lies and whether we can change by statute who should be drafting regulations. That is pretty well laid out. I just wanted to make sure that we are aiming these regulations at the right place. We usually do not tell someone how to do their regulations; we allow that to fall through its natural course to do the regulations.

Chair Jauregui:

Assemblywoman Carlton, would you please restate your question for Assemblyman Ellison?

Assemblywoman Carlton:

Assemblyman Ellison, I am trying to understand the reason behind the amendment. Typically, we allow just the bodies that are impacted to draft their own regulations. We do not designate certain people to draft regulations. The regulatory bodies know their job. They know what regulations they need to draft. I am trying to understand what the amendment does and how you want this to proceed. I cannot figure out where it is going.

Assemblyman John Ellison, Assembly District No. 33:

We were on a conference call with everybody and these were the regulations that they wanted to go by. We met with the Department of Education and the Nevada System of Higher Education (NSHE) and that is how that amendment was drafted. It was what they requested.

Assemblywoman Carlton:

I appreciate your trying to get an answer for me. Madam Chair, I am going to support this right now, but I am always cognizant of giving responsibility to someone to draft a regulation if it may not actually fall in their purview. It is a good bill; I like what Assemblyman Ellison is trying to do. I think you just might have hit a little glitch here and I am sure it is something that we can address and fix. Thank you for allowing the question.

Assemblyman Ellison:

Thank you, Assemblywoman Carlton. I will get all the information that I can get to make sure that it is right.

Chair Jauregui:

Committee members, any other questions before we lose Assemblyman Ellison? [There were none.] With that, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 330.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Any discussion on the motion?

Assemblywoman Considine:

I wanted to say I really do like the intent of this bill, but I still have issues with the regulation. Also, the discussion continuously revolves around NSHE and there are a lot of postsecondary private institutions, and I do not know who is supposed to wrangle all of them. So right now, I will be a no on this.

Chair Jauregui:

Thank you, Assemblywoman Considine. Any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN CONSIDINE VOTED NO.)

I will assign that floor statement to Assemblyman Ellison. Next item on our agenda is Assembly Bill 366. Ms. Paslov-Thomas, when you are ready, please.

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

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 366 is sponsored by Assemblywoman Tolles [Ms. Paslov-Thomas read from Exhibit H]. It was heard on March 26, 2021. It revises provisions governing mental health records. Assembly Bill 366 provides that a recording of the provision of services by certain licensed mental health professionals to patients as part of a program of education are exempt from various requirements for the retention, maintenance, and disclosure of health care records if:

1. The recording is used for a training activity;
2. The patient has provided informed consent to the use of the recording in the training activity; and
3. Discarding the recording does not result in the maintenance of incomplete patient records.

There are no proposed amendments.

Chair Jauregui:

Members, any questions on the bill before you? [There were none.] Seeing none, I will accept a motion to do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO DO PASS
ASSEMBLY BILL 366.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Tolles. Next on our agenda is Assembly Bill 382.

**Assembly Bill 382: Revises provisions relating to student education loans.
(BDR 55-116)**

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 382 is sponsored by Assemblyman Watts [Ms. Paslov-Thomas read from [Exhibit I](#)]. It was heard on April 5, 2021, and it revises provisions relating to student education loans. Assembly Bill 382 relates to student loans. The measure provides for the licensing and regulation of student loan servicers by the commissioner of financial institutions of the Division of Financial Institutions of the Department of Business and Industry, as well as the regulation of private education loans and private education lenders. The bill creates an exception to the standard requirements for the issuance of a license to persons who engage in student loan servicing under certain contracts with the federal government under certain circumstances; however, persons licensed under such an exception must comply with other provisions of the law. The Commissioner is authorized to conduct investigations and examinations relating to student loan servicers and student loans to ensure compliance with the requirements outlined by the bill.

Assembly Bill 382 sets forth requirements governing the business practices of student loan servicers and prohibits a student loan servicer from engaging in unfair or deceptive trade practices, knowingly misapplying payments, negligently making false statements, or knowingly and willfully making certain omissions of material facts. The measure also sets forth various requirements and prohibitions governing private education lenders and private education loans.

Finally, A.B. 382 imposes certain requirements on postsecondary educational institutions and revises the responsibilities of the Commission on Postsecondary Education of the Department of Employment, Training and Rehabilitation. The bill prohibits a postsecondary institution from refusing to provide transcripts to current and former students based on a debt to the institution and imposes other limits on services that may be withheld from students over the nonpayment of debt. There are several amendments.

Assemblyman Watts proposes the following amendments:

1. Amend section 21 of the bill to require a student loan servicer to annually renew a license issued by the commissioner of financial institutions and file an annual report of operations with the commissioner.
2. Add a new section to the bill to clarify that nothing in the provisions of the bill negates any licensing requirements that may be applicable to a private education lender under any other provision of existing law, including the provisions of Chapter 675 of *Nevada Revised Statutes* (NRS) governing installment loans, as determined by the commissioner.

3. Amend section 37 of the bill to require a licensee to pay the Division of Financial Institutions of the Department of Business and Industry the rate established in NRS 658.101 if the commissioner conducts an examination or investigation of a licensee. Failure to pay the fee within 30 days after receipt of the bill is grounds for revoking a student loan servicer license. Inspections are required to be conducted annually, or more frequently at the discretion of the commissioner.
4. Amend section 38 of the bill to provide for certain assessments to be levied by the commissioner upon licensees to cover costs associated with the employment of a certified public accountant to review and conduct independent audits and examinations pursuant to NRS 658.055 and for fees associated with legal costs authorized by NRS 658.098.
5. Add a new section to the bill providing that all records relating to a complaint, investigation, examination, or application are confidential and may be disclosed only to certain persons.
6. Amend section 52, page 26, line 42 of the bill to add "that does not result in a college degree."
7. Amend subsection 1 of section 54 of the bill to change "median hourly and annual earnings" to "median hourly or annual earnings."
8. Amend subsection 1(b) of section 56 of the bill to replace the existing language with "Follow the most stringent applicable cancellation and refund policy, as specified by the Commission."
9. Amend subsection 1(b) of section 57 of the bill to change "established by the Commission and has a pattern or history," to "established by the Commission or has a pattern or history."
10. Amend subsection 1(h) of section 58, page 32, line 35 of the bill to change "authorized" to "licensed."
11. Amend Subsection 1(j) of section 58, page 33, line 13 of the bill to add in "admissions," to read "Designating or referring to a sales or admissions representative."
12. Amend subsection 2 of section 58 of the bill to change "substantial number of" to "repeated" and add to the end "as determined by the administrator."

Chair Jauregui:

Members, any questions on the amendments before you? [There were none.] Seeing none, I will entertain a motion to amend and do pass Assembly Bill 382.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 382.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DICKMAN VOTED NO.)

I will assign that floor statement to Assemblyman Watts with Assemblywoman Martinez as a backup. Next on our agenda is Assembly Bill 387.

Assembly Bill 387: Revises provisions relating to midwives. (BDR 54-225)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 387 is sponsored by Assemblywoman Monroe-Moreno [Ms. Paslov-Thomas read from Exhibit J]. It was heard on April 5, 2021, and it revises provisions relating to midwives. Assembly Bill 387 relates to midwives. The measure creates the Board of Licensed Certified Professional Midwives, which is composed of seven members appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services and prescribes the duties and operation of the Board. It establishes the requirements for the licensure of midwives by the Division and specifies the Division and the Board will share responsibility of regulating the practice of licensed certified professional midwives. In addition, the Board must adopt regulations governing midwifery, which includes training programs, licensure qualifications, investigation of misconduct and discipline, management of a client who is at a moderate or high risk of an adverse outcome, and certain other aspects of the practice of midwifery.

Assemblywoman Monroe-Moreno proposes the following amendments:

1. Amend the bill as a whole to replace "birth assistant" with "certified professional midwife birth assistant" and "student midwife" with "certified professional midwife student midwife."
2. Amend section 11 of the bill to replace "practice of midwifery" with "practice of certified professional midwifery."
3. Delete subsection 2 of section 15 for the purposes of eliminating the requirement that a person who engages in the practice of midwifery, who is not licensed, to obtain a statement from each client in the form prescribed by the Division. Remove subsection 1(a) of section 31 accordingly.

4. Amend section 16 of the bill that creates the Board of Licensed Certified Professional Midwives to replace: (1) one voting member who is a physician with one voting member who is an advanced practice registered nurse, certified nurse-midwife, or physician who specializes in obstetrics with experience working in a home setting; and (2) one voting member who represents the general public with two voting members who represent the general public and have received care with a certified professional midwife.
5. Amend the provisions of sections 18 and 19 of the bill for the purpose of specifying that an applicant for licensure as a licensed certified professional midwife, with certain exceptions, must have completed an education program accredited by the Midwifery Education Accreditation Council or its successor organization.
6. Amend section 25 of the bill to require all midwives, regardless of whether or not licensed by the Board, to provide a client with a Community Birth Disclosure containing certain information. Require the Board to prescribe requirements for such disclosure, which must be developed in collaboration with all types of midwives serving birthing people in the community setting. The disclosure must be signed and dated by the client and midwife and maintained in the midwife's records for five years. Require licensed certified professional midwives to also obtain the informed written consent specified in section 25, but eliminate the requirement that such consent requires the disclosure of the amount for which a licensed certified midwife is insured.
7. Amend section 26 of the bill to allow a licensed certified professional midwife to administer terbutaline and to use equipment used for administering nitrous oxide only in the birthing center setting.
8. Require a person who uses the term "licensed midwife" in any of the circumstances described in section 31 of the bill to also disclose the state in which the person is licensed.
9. Amend section 31 of the bill to require the Division, if it receives complaints against a person for repeated violations of section 31, to refer the alleged violations for possible criminal prosecution.
10. Amend subsection 3(b) of section 34 of the bill to provide a license by reciprocity may be authorized to a licensed certified professional midwife who has been in practice for at least three years, instead of five years, immediately preceding the date on which a person submits such an application to the Division.
11. Require the Division to establish a process by which an applicant for licensure may qualify for reduced licensing fees if the applicant demonstrates to the satisfaction of the Division that the standard licensing fees are an economic hardship to the applicant.

12. Require the Division to allocate a portion of the fees collected for licenses to programs that aid in increasing the numbers of and reducing barriers for licensed certified professional midwives of marginalized identities.
13. Amend section 103 of the bill to retain all of the specified conditions and symptoms set forth in section 27 which, if the licensed certified professional midwife determines such conditions or symptoms exist, require the midwife to take appropriate action past the effective date of the regulations adopted by the Board pursuant to section 104.
14. Amend section 105 of the bill to change the name of the "Transfer Guidelines Working Group" to the "Collaboration and Transfer Guidelines Workgroup."
15. Amend section 107 of the bill to authorize the Division, on a case-by-case basis, to allow a person who holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and who has completed the Portfolio Evaluation process prescribed by that organization, to satisfy the education requirements for licensure past January 1, 2025, if the Division determines it necessary to fill shortages in the midwifery workforce in rural and underserved populations.
16. Change the effective date of sections 100 and 101 to January 1, 2025.

Chair Jauregui:

Members, any questions on the amendments before you? [There were none.] Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 387.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Any discussion on the motion, members?

Assemblywoman Tolles:

I just wanted to thank the sponsor for all her work on this and all the stakeholders over the last couple of years for taking extra time to answer my questions, and for some of the additional clarifications on that training process and for the ability of the Board to still accept some of our midwives who have completed the portfolio evaluation process. I wanted to go on the record to say I appreciate all the time that the sponsor spent on this and with me personally as well. I will be supporting it.

Assemblyman O'Neill:

I am going to be voting no on this. I really appreciate the work that has been put into it, the movement on some of the amendments. I still think there needs to be some better recognition of other training facilities or programs. I will be voting no for now and see if we can move a little further along.

Chair Jauregui:

Members, any other discussion? [There was none.]

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

I will assign that floor statement to Assemblywoman Monroe-Moreno, and I will gladly take the backup on this one, members. The next item on our agenda is the work session for Assembly Bill 391. Ms. Paslov-Thomas, when you are ready.

Assembly Bill 391: Revises provisions relating to dispensing opticians. (BDR 54-659)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 391 is sponsored by Assemblywoman Anderson [Ms. Paslov-Thomas read from [Exhibit K](#)]. It was heard on March 29, 2021, and revises provisions relating to dispensing opticians. Assembly Bill 391 revises provisions relating to the Board of Dispensing Opticians and the practice of licensees regulated by the Board. It makes various changes to provisions governing the operation of the Board and its members, staff, and employees to align it with those of other boards. The measure also increases the amount of the administrative fine that may be assessed for violating certain provisions.

Assemblywoman Anderson proposes the following amendments:

1. Amend section 4 of the bill to provide that the Board of Dispensing Opticians and its members are immune from civil liability for any act that is performed in good faith and does not constitute gross negligence in execution of any duty of the Board. Staff and employees of the Board are removed from these provisions.
2. Amend section 6 of the bill to allow the Board to grant a waiver of certain educational and experience requirements for the issuance of a license as a dispensing optician if the applicant submits to the Board proof that he or she: (1) is a graduate of a foreign school and has education and experience equivalent to or greater than the requirements to be licensed in this state; (2) holds a corresponding valid and unrestricted license in the District of Columbia or in any state or territory of the United States whose requirements are equivalent to or greater than the requirements to be licensed in this state; or (3) has at least five years of work experience in ophthalmic dispensing in any state or territory of the United States that does not have licensing requirements equivalent to or greater than the requirements to be licensed in this state.

3. Amend section 9 of the bill to delete provisions requiring the Board to adopt regulations establishing reasonable fees and instead require the Board to establish a schedule of fees and charges for certain items relating to licensing with certain specified maximum amounts.
4. Amend section 13 of the bill to clarify that the term ophthalmic dispensing includes: (1) the preparation and delivery of electronic work orders by verifying prescription information entered into a computer or other online system; and (2) the physical final inspection of the quality of finished ophthalmic products delivered within the state.
5. Amend section 18 of the bill to revise the duties of the Board with respect to the licensure and regulation of licensees and the administration and enforcement of the provisions of Chapter 637 of *Nevada Revised Statutes* (NRS).
6. Amend section 24 of the bill to authorize a member of the Board to issue a subpoena to compel the production of documents and any other article related to the practice of ophthalmic dispensing.
7. Amend section 26 of the bill to reduce, from \$10,000 to \$1,000, the amount of an administrative fine that may be imposed upon a person who is not required to be licensed pursuant to Chapter 637 of NRS who commits certain violations or who employs a licensee who commits certain violations.

Chair Jauregui:

Members, any questions on the amendments before you?

Assemblywoman Kasama:

I like this bill. I know Assemblywoman Anderson has been working hard on this. I just wanted to clarify that there are no new fees. You are just bringing all the fees together from different sections. It is the same, is that correct?

Assemblywoman Natha C. Anderson, Assembly District No. 30:

That is correct. From what I have been told from Neena Laxalt as well as members of that Board, all they are doing is trying to put all the fees in one section as opposed to having it peppered throughout the current NRS as well as the current regulations. It is simply putting it all in one section.

Assemblywoman Kasama:

Wonderful. Thank you for the answer. I just wanted to make sure we got that.

Chair Jauregui:

Members, any other questions? [There were none.] Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 391.

ASSEMBLYWOMAN KASAMA SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Anderson. Next on the agenda is Assembly Bill 398.

Assembly Bill 398: Revises provisions relating to sales of residential property. (BDR 10-812)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 398 is sponsored by the Assembly Committee on Commerce and Labor [Ms. Paslov-Thomas read from Exhibit L]. It was heard on April 7, 2021, and revises provisions relating to sales of residential property. Assembly Bill 398 provides that a seller's agent may not complete a disclosure form on behalf of the seller of a residential property. A seller's agent is not liable to the purchaser if: (1) the seller is aware of a defect and fails to disclose the defect to the purchaser on the disclosure form as required or after service of the completed disclosure form but before conveyance of the property to the purchaser; and (2) the seller discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form and fails to inform the purchaser or the purchaser's agent of that fact as required. There is one proposed amendment.

Rocky Finseth, President, Carrara Nevada, and Jenny Reese, Vice President, Carrara Nevada, representing the Nevada Realtors, proposed the following amendment:

- Amend the provisions of subsection 1 of section 1, line 9, which prohibits a seller's agent from completing a disclosure form, to replace the phrase "may not" with "shall not."

Chair Jauregui:

Members, any questions on the bill before you? [There were none.] Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 398.

ASSEMBLYWOMAN HARDY SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will take that floor statement. Next is Assembly Bill 436. If we could, Ms. Paslov-Thomas, would you like to go to Assembly Joint Resolution 10 of the 80th Session first?

Assembly Joint Resolution 10 of the 80th Session: Proposes to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees. (BDR C-1273)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Joint Resolution 10 of the 80th Session is sponsored by the Assembly Committee on Commerce and Labor and was heard on April 7, 2021 [Ms. Paslov-Thomas read from [Exhibit M](#)]. Assembly Joint Resolution 10 of the 80th Session proposes to amend the *Nevada Constitution* to set the minimum wage at \$12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees. The joint resolution removes the annual adjustment to the minimum wage and instead provides that if at any time the federal minimum wage is greater than \$12 per hour worked, the minimum wage is increased to the amount established for the federal minimum wage. Finally, this joint resolution allows the Legislature to establish a minimum wage that is greater than the hourly rate set forth in the *Constitution*. There are no proposed amendments. There is a special note: If approved in identical form during the 2021 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2022 General Election. If approved by the voters, this measure is effective on July 1, 2024.

Chair Jauregui:

Members, any question on A.J.R. 10 of the 80th Session? [There were none.] Seeing none, I will entertain a motion to do pass.

ASSEMBLYWOMAN CONSIDINE MADE A MOTION TO DO PASS
ASSEMBLY JOINT RESOLUTION 10 OF THE 80TH SESSION.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

Any discussion on the motion? [There was none.] Just so that we are clear for the record, that was a motion to do pass by Assemblywoman Considine with a second by Assemblywoman Carlton.

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

I will assign that floor statement to Assemblywoman Carlton. With that, members, if we could go back to Assembly Bill 436.

Assembly Bill 436: Revises provisions relating to vision insurance. (BDR 57-808)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 436 was sponsored by the Assembly Committee on Commerce and Labor and heard on April 7, 2021 [Ms. Paslov-Thomas read from [Exhibit N](#)]. It revises provisions relating to vision insurance. Assembly Bill 436 prohibits an insurer from entering into a contract with a provider of vision care that places certain requirements on the provider, places certain limitations on coverage, or provides for unreasonably low or nominal rates of reimbursement. An insurer must provide the provider of vision care with a list of reimbursement rates that the insurer provides for covered vision care in the network of the insurer. Additionally, an insurer must disclose, in any vision insurance policy or related materials, any ownership or other pecuniary interest of the insurer in a manufacturer of goods covered by the policy or in a provider of vision care and imposes certain restrictions concerning the advertising and marketing of vision coverage. The Commissioner of Insurance, Division of Insurance, Department of Business and Industry, is authorized to enforce these requirements.

The measure prohibits a physician, osteopathic physician, or optometrist from charging a patient who is covered by a vision insurance policy that is out of network for vision care in an amount that exceeds the usual and customary rate charged to uninsured patients for that vision care. A physician, osteopathic physician, or optometrist who willfully charges a patient a prohibited rate is subject to professional discipline. There are five proposed amendments.

Michael D. Hillerby, Director of Legislative Affairs, Kaempfer Crowell, proposes the following amendments:

1. Revise the provision set forth in subsection 4 of section 1 of the bill to prohibit an insurer that does not provide reimbursement for specific vision care from claiming that the insurer covers vision care or that such vision care is available at a discount.
2. Revise the definition of "vision care" to: (1) delete subsection 6(b)(1) of section 1 of the bill; (2) include routine ophthalmological evaluation of the eye, including refraction; and (3) exclude the initiation of a treatment of diagnostic program for medical care.

The Culinary Health Fund and the Health Services Coalition propose the following amendments:

3. Delete subsections 1(a), (b), (c), and (e) of section 1 of the bill, which prohibit an insurer from entering into certain contracts with a provider of vision care.
4. Delete subsection 5 of section 1 of the bill, which prohibits an insurer from placing a provider of vision care in tiers, or similar designations, in any advertisement or similar communication.

Michael D. Hillerby, Director of Legislative Affairs, Kaempfer Crowell; the Culinary Health Fund; and the Health Services Coalition proposed the following amendment:

5. Delete sections 10, 11, and 12 of the bill, which limit the rates that a provider of vision care may charge to patients for vision care provided out of network.

Chair Jauregui:

Members, any questions on the bill and amendments before you?

Assemblywoman Carlton:

I just want to thank everybody for working all day yesterday, through the night, and all day today to come to some resolution. We know there is a problem out there. It is a very complicated problem and it reaches into a lot of different places. I want to thank all the parties for working so hard to come to some resolution so we can keep this moving and make sure we get the best policy for all our constituents in the state. We know that eyeglasses are one of the most expensive things that you buy and are sometimes not covered as well as we want. I want to thank them for trying to address the issues.

Chair Jauregui:

Thank you, Assemblywoman Carlton. Members? [There were no more questions.] With that, I will accept a motion to amend and do pass.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 436.

ASSEMBLYWOMAN KASAMA SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Marzola. Members, you should have received a revised agenda. There was a revised work session document posted about two hours ago. We have one more item on our work session and that is Assembly Bill 178. If you do not have that document before you, you can get it from the work session document that is posted on NELIS [Nevada Electronic Legislative Information System]. Ms. Paslov-Thomas, will you walk us through Assembly Bill 178, please?

Assembly Bill 178: Revises provisions relating to prescription drugs. (BDR 57-71)

Marjorie Paslov-Thomas, Committee Policy Analyst:

Assembly Bill 178 is sponsored by Assemblywoman Hardy [Ms. Paslov-Thomas read from Exhibit O]. It was heard on March 10, 2021, and it revises provisions relating to prescription drugs. Assembly Bill 178 requires insurers, including Medicaid, the Public Employees' Benefits Program, and local governments that provide coverage for their employees, to waive

any restrictions on the time period within which a prescription may be refilled for an insured who resides in the area to which a state of emergency or declaration for disaster applies if the insured requests the refill within a certain time and to authorize payment for a supply of a covered prescription drug for up to 30 days for any insured who requests a refill under those conditions. The Commissioner of Insurance is authorized to extend those time periods as he or she determines necessary.

The measure allows a pharmacist to fill or refill a prescription in an amount that is greater than the amount authorized by the prescribing practitioner but does not exceed a 30-day supply of the drug if: (1) the drug is not a controlled substance listed in schedule II; (2) the patient resides in an area to which a state of emergency or declaration of disaster applies; and (3) certain other requirements are met. A pharmacist who dispenses a drug under those conditions must issue and maintain a written order for dispensing the drug and notify the prescribing practitioner. There are no proposed amendments.

Chair Jauregui:

Members, any questions on the bill before you? [There were none.] I will entertain a motion to do pass.

ASSEMBLYWOMAN DICKMAN MADE A MOTION TO DO PASS
ASSEMBLY BILL 178.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON VOTED NO.)

I will assign that floor statement to Assemblywoman Hardy.

Members, that concludes our work session agenda for today. We are going to go to public comment. We will not adjourn. We will stand in recess in case we need to come back. I will not call you back unless we need to come back. If there is no need for us to meet, I will adjourn the Committee on my own. Can we check for anyone wishing to give public comment? [There was no one.] Before we recess, Committee members, this has been a very long week for many of us. I would like to thank you all for the last couple of weeks being here in the evenings and giving every bill your attention like you would the 1 o'clock and 1:30 bills.

I especially want to take this moment to thank our hardworking staff. They have put in so many hours to make sure that we meet our deadline. Not just the Commerce and Labor staff, but the staff who have made this virtual committee a possibility: the voice of our public comment announcer, Ms. Cindi Mercado-Rosas, thank you so much; our Broadcast team that makes sure we all get on here and are able to be heard and seen, Mr. Ryan Stark

and Mr. Michael Lewis; and our hardworking staff on the Assembly Committee on Commerce and Labor as well—our committee counsel, Mr. Sam Quast; our policy analyst, Ms. Marjorie Paslov-Thomas; our committee manager, Ms. Terri McBride; our committee secretaries, Mr. Louis Magriel, Ms. Julie Axelson, and Ms. Paris Smallwood; and my attaché, Mr. Joe Casey. From the Committee, we want to say a big thank-you.

With that, Committee, we will stand in recess [at 3:15 p.m.]. [Meeting was adjourned at 5:22 p.m.]

RESPECTFULLY SUBMITTED:

Paris Smallwood
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 180](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the work session document for [Assembly Bill 222](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the work session document for [Assembly Bill 277](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the work session document for [Assembly Bill 278](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the work session document for [Assembly Bill 330](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the work session document for [Assembly Bill 366](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the work session document for [Assembly Bill 382](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the work session document for [Assembly Bill 387](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the work session document for [Assembly Bill 391](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the work session document for [Assembly Bill 398](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the work session document for [Assembly Joint Resolution 10 of the 80th Session](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the work session document for [Assembly Bill 436](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the work session document for [Assembly Bill 178](#), presented by Marjorie Paslov-Thomas, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.