

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-first Session
April 27, 2021**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 3:33 p.m. on Tuesday, April 27, 2021, Online and in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Julia Ratti, Chair
Senator Pat Spearman, Vice Chair
Senator Dallas Harris
Senator Joseph P. Hardy
Senator Ben Kieckhefer

GUEST LEGISLATORS PRESENT:

Assemblywoman Tracy Brown-May, Assembly District No. 42
Assemblywoman Susie Martinez, Assembly District No. 12
Assemblywoman Clara Thomas, Assembly District No. 17
Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Eric Robbins, Counsel
Norma Mallett, Committee Secretary

OTHERS PRESENT:

Jeffrey Klein, President and CEO, Nevada Senior Services
Jeffrey Duncan, Social Services Chief, Aging and Disability Services Division,
Department of Health and Human Services
Barry Gold, AARP
Mary Liveratti, AARP
Gillian Block, Nevada Coalition of Legal Service Providers
Shane Piccinini, Food Bank of Northern Nevada

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Annette Magnus, Executive Director, Battle Born Progress
Nick Shepack, American Civil Liberties Union of Nevada
Ben Iness, Progressive Leadership Alliance of Nevada
Ashanti Lewis, Three Square Food Bank
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Kendra Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Jessica Adams, Deputy Administrator, Aging and Disability Services Division, Department of Health and Human Services
Patricia (Ace Patrick) Unruh, Chair, Nevada Statewide Independent Living Council
Lisa Foster, State of Nevada Association of Providers
Edward Ableser, Opportunity Village
Doralee Martinez, Nevada Action Coalition
Arash Ghafoori, Executive Director, Nevada Partnership for Homeless Youth
Tayvon Jenkins, Youth Ambassador, Nevada Partnership for Homeless Youth
Pamela Girgis, APRN, PNP
DaShun Jackson, Children's Advocacy Alliance
Katie Ryan, Dignity Health-St. Rose Dominican
Leann McAllister, Executive Director, Nevada Chapter of the American Academy of Pediatrics
Joanna Jacob, Clark County
Patricia Julianelle, SchoolHouse Connection
Melissa Clement, Executive Director, Nevada Right to Life
Mary Fechner
Alexis Tukey, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services
Warren Hardy, Humane Society of the United States
Jeff Dixon, Nevada State Director, Humane Society of the United States
Jim Van Gorkom, Senior Vice President, NuCal Foods
Jerry Wilkins, Sales and Marketing Director, Morning Fresh Farms
Doug Busselman, Executive Vice President, Nevada Farm Bureau
Alexandria Dazlich, Nevada Restaurant Association

CHAIR RATTI:

I call the meeting to order at 3:33 p.m. I will open the hearing on Assembly Bill (A.B.) 344.

ASSEMBLY BILL 344 (1st Reprint): Authorizes the establishment of a program to facilitate transition of the care of older persons and persons with disabilities. (BDR 38-743)

ASSEMBLYWOMAN CLARA THOMAS (Assembly District No. 17):

I am presenting A.B. 344 which aims to improve care, coordination and continuity of care for elderly Nevadans and individuals with disabilities following discharge from the hospital. I have submitted my written remarks ([Exhibit B](#)).

JEFFREY KLEIN (President and CEO, Nevada Senior Services):

Often, through personal experiences, we appreciate the impact of the healthcare delivery system and challenges it presents to some of our most vulnerable senior citizens and individuals with disabilities. I have submitted my supporting testimony and presentation for A.B. 344 ([Exhibit C](#)).

CHAIR RATTI:

It sounds like this was an amazing project with good work and results. If we were able to do the pilot project, what is missing that requires a change to *Nevada Revised Statutes* (NRS)?

JEFFREY DUNCAN (Social Services Chief, Aging and Disability Services Division, Department of Health and Human Services):

Formalizing this service in statute shows Nevada's commitment to a partnership between health care and social services. This step could help us be more competitive in discretionary grant opportunities. It also gives us the flexibility to see if there are other resources of funding to grow services such as third-party payers.

SENATOR HARDY:

Section 1, subsection 2, paragraph (c) states "use other options available to fund the program, including, without limitation, billing third parties for the services provided by the program to persons currently covered by the third parties." Section 1, subsection 3, paragraph (c), subparagraph (2) states "'Third party' means: A health benefit plan, as defined in NRS 687B.470, for employees which provides coverage for services and care at a hospital." Could insurance companies be billed for this without limitation, or is this something already covered in the insurance plan a patient would have?

MR. KLEIN:

A number of insurances do pay for different types of care transitions. Some of the components of the care transitions programs are individually billable. For instance, a respite coach may be billable as a person-care service. The social work or counseling components could also be billed. There are insurances that pay for care transitions. Self-insured insurance companies frequently pay for care transitions and approve those payments.

SENATOR HARDY:

This would not be adding a burden to insurance companies already covering this service?

MR. KLEIN:

Correct. It would, however, potentially encourage changes making the process much less difficult and challenging because of some of the impediments sometimes seen in regulations.

VICE CHAIR SPEARMAN:

In the pilot, you are talking about hospital to home. Is there going to be any collaboration with the U.S. Department of Veterans Affairs (VA) and the services in terms of transportation?

MR. KLEIN:

We have been working in both pilot programs to coordinate transportation through the Aging and Disability Services Division. In some instances, we coordinate with family caregivers for private transportation. In all cases, we provide a mechanism for coordinated transportation resources by the case managers to make sure people have access to everything they need, including food, medications, doctor appointments and any other follow-up care.

VICE CHAIR SPEARMAN:

If there is any opportunity for collaboration, it will stretch the dollars further. I know the VA has individual rides and bus-providing services. There may be things during this pilot the VA is doing or knows about which civilians are unaware. Some of the hospitals have been strained due to Covid-19. There is an opportunity for collaboration.

I read there is a 25 percent, under 30-day readmission. At one time, the Centers for Medicare and Medicaid Services would not pay if the readmission was under 30 days. How are you getting around that?

MR. KLEIN:

We have had welcome arms from the hospitals. They have been partners on this from Day 1. The original hurdle you refer to about readmissions has changed dramatically. This is a development for the hospitals, which is why we have strong support from them. We are actively working with ten hospitals in the State, including Clark County. It has been a welcome change, especially toward this population which is considered high risk. These frail people are likely to consume resources if they get back into the hospital. They start bouncing between postacute and acute and going back and forth.

VICE CHAIR SPEARMAN:

You mentioned dementia and Alzheimer's diseases. In this pilot program, will Alzheimer's, dementia and other rare forms of dementia such as early Lewy body dementia be included?

MR. KLEIN:

When we started this pilot program, we tried to limit it to people who had a defined dementia diagnosis or were self-identified. As the program progressed, it widened out to cognitive impairment. The program is quite broad. It encompasses not only Lewy body dementia and frontal lobe dementia but also vascular dementias. People forget those who have had strokes do not fully recover and end up with an expressive or receptive aphasia. While not having dementia in the classical sense, they have the effect of a cognitive impairment. The impact of case management is the same. The program has widened out diagnostically, making it easier for hospitals to manage instead of figuring out if this person fits into the grant slot. We went from narrow in the beginning to wide these days.

ASSEMBLYWOMAN THOMAS:

We ask the Committee to consider this viable program for our elder community and people with disabilities who are asking for our assistance by voting this out of Committee to a Floor Session.

BARRY GOLD (AARP):

We support A.B. 344. In 2015, the Nevada Legislature passed S.B. No. 177 of the 78th Session, known as the Care Act, to assist and support family caregivers. It was the first step in providing information and notification to a caregiver that a patient was to be discharged from the hospital and what to do when he or she got home. It did not involve any wraparound services to help the patient once home or to help that person stay home. This bill is a next and necessary step. We need to get this done to prevent people from going back to the hospital where they do not want to be or to spend more money.

MARY LIVERATTI (AARP):

I support A.B. 344. I am a volunteer with AARP and the Alzheimer's Association. People are being discharged from hospitals with complicated and complex health conditions. My sister and I took care our aunt and father after many hospital discharges. My sister has been a nurse over 35 years, and I was a social worker for 40 years. We were a great team. On one occasion, my father was discharged with a complicated wound care, and it took several weeks for us to get it under control. Even with our knowledge of health systems, we saw how hard it was to care for and keep on top of their health after discharge. I cannot imagine what families do who do not have access to this kind of expertise. I urge you to pass A.B. 344.

GILLIAN BLOCK (Nevada Coalition of Legal Service Providers):

We support A.B. 344. We encourage increasing opportunities for cooperation between hospitals and caregivers to coordinate health care and social services for older persons and persons with disabilities. Care coordination programs can help improve continuity of care, improve outcomes and provide a smooth transition for those who are in need of ongoing support.

CHAIR RATTI:

I will now close the hearing on A.B. 344. I will open the hearing on A.B. 138.

ASSEMBLY BILL 138 (1st Reprint): Revises provisions governing the eligibility of certain convicted persons for public assistance. (BDR 38-760)

ASSEMBLYWOMAN SUSIE MARTINEZ (Assembly District No. 12):

I am presenting A.B. 138 which revises provisions governing the eligibility of certain convicted persons for public assistance. I have submitted my written remarks ([Exhibit D](#)).

SHANE PICCININI (Food Bank of Northern Nevada):

I will present A.B. 138 and have submitted written testimony ([Exhibit E](#)). Discussion will include the historical background of the Temporary Assistance for Needy Families (TANF) program and the Supplemental Nutrition Assistance Program (SNAP). I will discuss what A.B. 138 intends to accomplish ([Exhibit F](#)). Also submitted is information about the SNAP ([Exhibit G](#)).

This bill removes the prohibition in Nevada law to allow individuals impacted by substance abuse felonies to get access to SNAP and TANF, which is one of the last barriers facing people in need of food assistance. Recovery does not happen in a vacuum, it happens in a community. This bill is designed to bring people back into the community.

ANNETTE MAGNUS (Executive Director, Battle Born Progress):

We support A.B. 138. The ban this legislation will remedy negatively impacts public health. The ban promotes food insecurity and malnutrition for ex-offenders and their families. It poses a barrier for reintegration into the community and has a disparate impact on African Americans, women and survivors of domestic violence. From July 2019 through December 2020, over 3,800 individuals in Nevada have been disqualified from SNAP due to this. Thousands of families going hungry is unacceptable. The ban is a cruel policy, and we need to change this.

NICK SHEPACK (American Civil Liberties Union of Nevada):

We support A.B. 138. The policy, as it stands, is one of the most illogical policies we know of in this State. For people to succeed and get off drugs, they need their hierarchy of needs met, as Maslow would say, and the first need is food and shelter. The chance for people to get to higher levels and self-actualize to become meaningful members of society is significantly more difficult. The current policy talks about one felony. It is not felonies related to drugs, it has to be a drug felony, which can even be for possession. It can be for a person who is not addicted to drugs but, nonetheless, has to complete a 30-day substance abuse program. There are not many drug addiction programs available. We had an average of less than one bed available in northern Nevada. Existing law does not make sense and criminalizes people beyond paying their dues and disproportionately affects people of color, especially Black single mothers who have a difficult time supporting their children and often lose their children. This is a commonsense bill, and we urge you to support it.

BEN INESS (Progressive Leadership Alliance of Nevada):

We support A.B. 138. Food insecurity and malnutrition for a person with a felony drug conviction pose a barrier to reintegration into the community. It also has a disproportionate impact on people of color who are unjustly targeted in the war on drugs. Nearly 80 percent of people in federal prison and 60 percent of people in State prison for drug offenses are Black or Latino. Limiting access to food for someone in their family is a cruel way to encourage treatment.

ASHANTI LEWIS (Three Square Food Bank):

We support A.B. 138. Federal nutrition programs such as SNAP should be made available to all eligible applicants, especially applicants from vulnerable populations who are essentially shut out of housing options and have extremely limited employment opportunities. Removing this barrier will reduce food insecurity while helping people recover and successfully reintegrate back into society.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

We support A.B. 138. Access to social services such as SNAP and TANF has a positive effect on victim survivors of violence and can be the key for them to leave and end an abusive relationship. Without these social service programs which allow victim survivors to care for their children, victims are more likely to stay in an abusive relationship and endure violence. Having access to social services is an effective tool in reducing risk factors for future violence. Within any community, victim survivors of violence can have convictions of drug abuse, and they are just as deserving of social support. We appreciate this bill will reduce barriers and enable access to SNAP and TANF benefits. Everyone deserves access to food and to these life-saving programs.

MS. BLOCK:

Nevada Coalition of Legal Service Providers supports A.B. 138. I echo the remarks of previous speakers.

KENDRA BERTSCHY (Deputy Public Defender, Washoe County Public Defender's Office):

We support A.B. 138. I am testifying on behalf of the Public Defender Offices in Washoe and Clark Counties. This bill will help reduce recidivism and allow our clients to have access to services and resources to assist in their recovery.

CHAIR RATTI:

The hearing on A.B. 138 is now closed. I will open the hearing on A.B. 430.

ASSEMBLY BILL 430: Revises provisions relating to disabilities. (BDR 39-1048)

ASSEMBLYWOMAN TRACY BROWN-MAY (Assembly District No. 42):

I am presenting A.B. 430. This bill is necessary and easy to move forward. *Nevada Revised Statutes* has some negative terminology, which can be eliminated. Chapter 435 of NRS relates to individuals with intellectual or developmental disabilities. The focus of the bill is to remove outdated and offensive language. Specifically, this bill removes a reference to a State Association for Retarded Citizens which no longer exists in Nevada.

JESSICA ADAMS (Deputy Administrator, Aging and Disability Services Division, Department of Health and Human Services):

Assembly Bill 430 revises certain terms and removes related obsolete terms existing within NRS 435. Section 1 replaces obsolete language with "reside in an appropriate community-based setting that is not a facility." Section 2 removes the obsolete references to the State Association for Retarded Citizens and its board as this organization no longer exists in Nevada. Fee schedules established by the Administrator of the Aging and Disability Services Division are subject to the approval of the Department of Health and Human Services Director. Section 3 updates the legislative intent for jobs in day-training services. This will change the purpose of jobs in day-training services for people with intellectual and developmental disabilities by changing the phrase "help them become useful citizens" to "increase independence." This bill has no fiscal note. These changes align with the terms and phrases used daily and represent terminology used in the field, as well as respectful language deserved by the people we serve.

PATRICIA (ACE PATRICK) UNRUH (Chair, Nevada Statewide Independent Living Council):

Since the late 1960s, there has been an evolving movement toward person-first language. It originated in Sweden and began to be incorporated in the U.S. with historical acts within our Constitution. Now it is the accepted terminology of the American Psychological Association and further translates into most government acts such as the Americans with Disabilities Act and the Individuals with Disabilities Education Act. It only makes sense Nevada ensures our language in statutes follow suit.

The purpose behind person-first language is to emphasize the individuality, equality and dignity of people with disabilities and maintain individuals are people first and foremost. People's traits and medical conditions do not define who they are but rather are a trait or medical condition. Using person-first language reduces social stigmas and provides a reference that places all people in the same category before introducing any other aspects to be considered. Although not every person agrees with person-first language, it generally involves mutual respect and is appreciated by the majority of the disability community. This bill supports person-first and respectful language options for people with disabilities. The most important thing to remember when considering person-first language is it replaces antiquated and offensive terminology that has no business in Nevada language. Words do matter.

In my experience, I can testify that for years I felt like a farm animal being herded by doctors, psychiatrists and institutions. They used my diagnosis as labels to push me through to the next provider. These professionals did not start to see me as a person until the paradigm changed. Suddenly, I became a person with autism, a person with hearing loss, a person with blindness, a person with a neurological disorder. My life changed dramatically when professionals began to address me about my diagnosis and not talk to each other about my diagnosis as if I did not exist. It may not seem like it matters to people who have never had to remind others we are in the room, but I can tell you it has made an enormous impact on the quality of my life. I am a person with disabilities.

LISA FOSTER (State of Nevada Association of Providers):

We support A.B. 430. We partner with the State to provide supportive living arrangements, jobs and day-training services, and related supportive programs throughout Nevada. This bill moves statute language into the modern vernacular for individuals with intellectual disabilities and brings Nevada into better alignment with federal terminology. In section 1, the term used to describe the transition of persons residing in such a facility is being revised to "appropriate community-based setting." This is what we now have and what our providers and SNAP offer in partnership with the State; SNAP also appreciates the removal of obsolete language in section 2 of the bill. Lastly, we support the change in section 3 as it pertains to the goal of the services offered by the State and its direct providers to the term "increase independence." Current language is antiquated and not respectful.

EDWARD ABLESER (Opportunity Village):

We support A.B. 430. The proposed language is moving forward and advancing the causes for individuals with intellectual and developmental disabilities. It also articulates the demanding need for those individuals to find and reside in appropriate community-based settings. We have seen detrimental effects over many years that facilities are not the place for individuals to find a person-centered, meaningful day experience within their day-to-day lives.

DORALEE MARTINEZ (Nevada Action Coalition):

We support A.B. 430. We ditto the remarks of the previous callers.

CHAIR RATTI:

I will close the hearing on A.B. 430 and open the hearing on A.B. 197.

ASSEMBLY BILL 197 (1st Reprint): Revises provisions relating to persons experiencing homelessness. (BDR 11-682)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

Youth homelessness is a crisis in Nevada. With me today to present this bill are Arash Ghafoori and Tayvon Jenkins with the Nevada Partnership for Homeless Youth (NPHY). I will provide a brief overview of the bill and have submitted my written remarks ([Exhibit H](#)).

ARASH GHAFoori (Executive Director, Nevada Partnership for Homeless Youth):

Nevada has one of the highest rates of unaccompanied youth homelessness in the Country. Consequently, increasing access to health care for minors experiencing homelessness is paramount to the health of vulnerable young people and the wellness of our entire State. I have submitted my written testimony ([Exhibit I](#)).

TAYVON JENKINS (Youth Ambassador, Nevada Partnership for Homeless Youth):

I was born in Compton, California, and am the eldest of six children. I am a graduate of NPHY's Independent Living Program and an official Youth Ambassador. When I was 12 years old, I experienced homelessness for the first time with my family. After that, my homelessness was off and on due to conflict within my family and my mother's health problems. My written testimony ([Exhibit J](#)) has been submitted.

CHAIR RATTI:

What is the definition of a custodian?

ASSEMBLYMAN WATTS:

This language came about in conversations with Clark County. When youth enter the State and local government systems, these entities are technically not guardians for the youth but custodians. This is the definition referenced in statute and in the amendment we incorporated in the Assembly. The goal was to include every type of relationship between youth and the caretaker. It includes parents, guardians and now custodians in those referenced sections.

SENATOR HARDY:

Overall, I noticed the bill does everything to protect the caregiver and child. Section 1, paragraph 5 states "a minor may not consent to his or her sterilization." It does not address the obviously technical issue of abortion. The homeless child is able to consent to her own abortion, is this correct?

ASSEMBLYMAN WATTS:

Legal opinion was requested about this in the Assembly. I can send the analysis to all of you since I do not have it in front of me. Our parental notification laws on the books are unconstitutional. There is currently no consent requirement. This bill does nothing to move that backward or forward in any way. The bill is silent on this issue partly because other statutes are on the books.

CHAIR RATTI:

Please distribute the legal analysis to the Committee as it will be helpful.

SENATOR SPEARMAN:

If there were a requirement for the NPHY child to get permission from the parents, how easy or difficult might it be? I am thinking about the testimony given by Mr. Jenkins. I am asking if it is feasible.

ASSEMBLYMAN WATTS:

I will turn it over to Mr. Ghafoori to speak to some of the logistical hurdles and issues homeless youth experience. All we have is a requirement stating unaccompanied youth must be homeless for four months to access care. We do not provide any guidance on how a provider would make the determination before rendering care. The whole point of this bill is to take away that time

barrier and to lay out a clear process to assist both service providers as well as healthcare providers to ensure minors get access to the care they need.

MR. GHAFoori:

There are definitely barriers for youth experiencing homelessness and accessing medical care. With this law, we are introducing a third-party verification we have used since allowed in 2008, as well as public schools and other organizations in our State, allowing us to easily verify two medical providers. The issue occurs when unaccompanied youth experience medical situations—it is difficult for medical providers to honor and accept the law and treat these youth. Often, medical providers are afraid to do so for fear of liability. Therefore, this bill cleans this up by adding a third-party verification because that is usually where the issue lies.

Youth accessing care when they are unaccompanied and homeless is a huge problem. We constantly work with the community doing outreach to get youth connected to social workers and case managers. We can advocate and get them psychosocial well-being, complete holistic health overview and assessment. We also help youth connect to those resources. Assembly Bill 197 will help organizations like ours do this more easily, while also allowing medical providers to have a very black-and-white way of verification. This is why the Nevada Hospital Association is excited and supports A.B. 197.

ASSEMBLYMAN WATTS:

Many situations lead youth to become homeless and unaccompanied. Many, but not all, have left a home environment that was dangerous or unstable. Some have been kicked out of their homes. In either of those situations, even for the most basic medical care, getting in contact with a parent to sign off on health care can be incredibly difficult. We need to have a clear statutory framework allowing youth to access medical services without obtaining parental consent first.

SENATOR SPEARMAN:

When children leave domestic violence situations, many times they are being molested by parents. In recalling a case in Kentucky, an uncle was molesting a young lady and she was trying to get away and wanted to tell someone. Four months later they found her in a barn.

MS. MAGNUS:

Battle Born Progress supports A.B. 197. Youth homelessness is a crisis we have to deal with in Nevada, and this bill is a good step. Making it easier for unaccompanied homeless youth to access health care is crucial in ensuring their health and safety, especially during a global pandemic when people need health services the most. Ensuring these young people's safety, health and privacy will allow our homeless youth to focus on their self-sufficiency and ensure they are staying healthy. As someone who worked in reproductive health care for years, I must state it is not the business of the State or any politician to tell anyone with a uterus what they can and cannot do with their health care. When young people are homeless, there are usually serious reasons why, and it can put young people in danger if they interface with their parent or guardian. For all of these reasons and what others have stated today, we ask you to support A.B. 197.

MR. SHEPACK:

American Civil Liberties Union of Nevada supports A.B. 197. Mr. Jenkins summed it up well. This is an important bill. We need to do everything we can to ensure our homeless youth have access to all the things they need to succeed, and health care is at the top. This bill is another commonsense measure codifying a solid practice in the law to ensure youth who have faced traumas, which many of us cannot imagine, have access to the health care they need.

PAMELA GIRGIS, APRN, PNP:

I support A.B. 197. I am a pediatric nurse practitioner and medical provider for the Children's Health Fund and Nevada Health mobile medical van. There are many homeless, sex-trafficked and refugee children in Las Vegas. Since 2018, our team has been providing free health care to homeless youth, and we have partnered with NPHY. Many of the homeless youth we see on a weekly basis are unable to access healthcare services, including behavioral and mental health services, due to restrictions. Many homeless youth have depression and have survived multiple traumas. They are at a 7.2 times higher risk for committing suicide. Restricting access to care increases the risk of suicide and potential harm to these youth. The current restrictions often make youth unable to access specialty healthcare services. Our team has repeatedly seen how this has negatively impacted many youth in need of medical services. There are countless stories of the need to treat depression, asthma, diabetes and other conditions. This bill will provide youth with hope and a new lease on life.

DASHUN JACKSON (Children's Advocacy Alliance):

We support A.B. 197. This bill is essential to ensure that homeless youth receive the services they so desperately need.

KATIE RYAN (Dignity Health-St. Rose Dominican):

We support A.B. 197. We are glad the oversight will be remedied by the passage of this bill.

LEANN MCALLISTER (Executive Director, Nevada Chapter of the American Academy of Pediatrics):

We support A.B. 197. I have submitted our supporting testimony ([Exhibit K](#)).

JOANNA JACOB (Clark County):

We support A.B. 197.

PATRICIA JULIANELLE (SchoolHouse Connection):

We support A.B. 197. I have submitted our supporting testimony ([Exhibit L](#)).

MELISSA CLEMENT (Executive Director, Nevada Right to Life):

I support A.B. 197. I am testifying today as a parent. A parent's heart is broken every time a child is in need. Our homeless youth need to have access to medical procedures as quickly as they can. I encourage this Committee to keep parental rights in mind. Will the parent be impacted? Will the child who has a loving parent or guardian at home still have that loving adult involved? This is my only concern with this measure.

MARY FECHNER:

I oppose A.B. 197. I am concerned about minor children who do not have a parent or faith relationship and go to a hospital pregnant, wanting to request an abortion. My concern for these young girls is that something be available to them for counseling should this situation come up, rather than an immediate situation where they send a young girl to an operating room because she has requested it. I would hope the young children seeking help get counseling for their mental and physical situation prior to surgery.

ALEXIS TUCEY (Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services):

We are testifying in neutral on A.B. 197. We appreciate everyone's support and working through the amendments.

ASSEMBLYMAN WATTS:

I distributed to the Committee members and staff the legal opinion related to the questions brought up previously. In response to the opposition, this bill is narrowly tailored. The concept youth would somehow use this as a workaround when they have loving, supportive parents at home is not acceptable. The statutory language we have is more broad and vague than this bill about proving someone has been unaccompanied for four months. I direct all the opposition to read section 1, subsection 2 of A.B. 197. It is clear and precise in laying out how youth would demonstrate they have been unaccompanied for four months. The service providers and school staff assigned to homeless youth would help them access this care without consent. This is not a bill about abortion. If there is a bill wanting to make a broad parental consent law constitutional, then we can have that debate separately. This bill is about ensuring homeless youth who are unaccompanied in this State can get access they need.

CHAIR RATTI:

I am closing the hearing on A.B. 197. I will now open the hearing on A.B. 399.

ASSEMBLY BILL 399 (1st Reprint): Revises provisions governing the production and sale of eggs and egg products. (BDR 51-559)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

Assembly Bill 399 seeks to ensure eggs produced or sold in Nevada meet certain standards of humane treatment for laying hens, often referred to as cage-free housing. I have submitted my written presentation ([Exhibit M](#)).

WARREN HARDY (Humane Society of the United States):

This a happy occasion when we get the animal welfare advocates and the industry together to move forward in a positive direction. This bill is a collaborative effort between the Humane Society of the United States and those who provide egg production for the State. Since the Assembly hearing, we had concerns raised from the Retail Association of Nevada, Chamber of Commerce and Nevada Restaurant Association regarding the need for a phased-in approach as adopted in the amendment. We addressed their concerns and gained the support of those organizations. We also had conversations with the Nevada Cattlemen's Association and Nevada Farm Bureau relating to the small hen farms and what we define as free-range chickens. We amended the bill with provisions that do not apply to any farms with less than 3,000 hens. This

should take care of all our small producers in Nevada who provide eggs at county fairs, farmers markets and those sort of venues.

JEFF DIXON (Nevada State Director, Humane Society of the United States):
I have submitted my written remarks ([Exhibit N](#)) and the proposed amendment ([Exhibit O](#)).

JIM VAN GORKOM (Senior Vice President, NuCal Foods):
I have submitted my written remarks ([Exhibit P](#)).

JERRY WILKINS (Sales and Marketing Director, Morning Fresh Farms):
I have submitted my written remarks ([Exhibit Q](#)).

CHAIR RATTI:
No fiscal note implies no significant increase in the need for inspections. Once we have put this in place, how do we know how hens are being treated?

ASSEMBLYMAN WATTS:
We worked with the State Department of Agriculture in crafting this bill, integrating this into existing procedures to guarantee food safety, including eggs. Whether the producer is physically located here in Nevada or is bringing products into the State, a procedure is in place. Assembly Bill 399 adds a layer by adding an endorsement to the certification that the production of those eggs is cage-free. As for inspections, there are various options to have inspections provided in reports to the Department of Agriculture as part of the process.

CHAIR RATTI:
We earlier heard our State does not have in-State producers which explains why we do not have a fiscal note. How does the interstate commerce piece work, and how do we know eggs coming from anywhere in the Country meet these standards?

ASSEMBLYMAN WATTS:
We have to work within the existing process under the State Department of Agriculture. It can be integrated into the workflow with a number of certifications on an annual basis.

CHAIR RATTI:
How do we know these eggs are humane when we get them here in Nevada?

MR. VAN GORKOM:

There are multiple certifying agencies across the Country used by egg producers. We have customers who require different types of audits. The processes are already in place. For example, one organization called Humane Farm Animal Care certifies farms. This is just one of many organizations within the egg industry specifically for the purpose of an audit trail and process verification. Any farmer in California or Massachusetts could supply his or her certificate to the State Department of Agriculture as documentation of compliance.

CHAIR RATTI:

A lot of work has been done for labeling and public education. Are those the same third-party certification bodies that enable egg producers to put a logo on their boxes stating the product is pasture-raised, organic or cage-free? Does this bill align with those labeling standards?

MR. VAN GORKOM:

Yes. There are many egg cartons or boxes in commerce with one logo or another. In some cases, it would be the U.S. Department of Agriculture (USDA) certifying a product meets its national organic program requirements. There are USDA definitions for most of these egg types, except for the word "natural" which is vague. These certifying companies and applicable logos, which are optional except for the USDA organic circle, could be a way for a consumer or business to verify on the package that it meets these standards.

SENATOR SPEARMAN:

In A.B. 399, section 22 states "Any person who violates any of the provisions of sections 1.3 to 22, inclusive, of this act is subject to a civil penalty pursuant to NRS 583.700." What is the civil penalty, and is it enough to be a deterrent?

ASSEMBLYMAN WATTS:

I need to ask the Legal Division to advise what the penalties are in the referenced section. In Chapter 583 of NRS, they are the same penalties for violating other parts of our agricultural statutes, so it is in line with those penalties. We wanted to make sure it was a civil penalty in line with many of our criminal justice reform efforts.

ERIC ROBBINS (Counsel):

According to NRS 583.700, the first violation penalty would be \$250, second violation penalty would be \$500, and each subsequent violation would be \$1,000.

MR. SHEPACK:

The American Civil Liberties Union of America does not take a position on A.B. 399. However, my big boss, my partner at home, and I both support this bill. As egg lovers and members of this fine State, knowing our eggs will always be cage-free is something we look forward to with the passing of this bill.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau):

We oppose A.B. 399. We have been in conversations with Mr. Hardy and the Humane Society of the United States, and they have shared a conceptual amendment with us to provide an exemption for small egg producers. The conversation has been to remove the requirements from the bill of an egg producer who has 3,000 or fewer hens laying eggs. Our opposition has been based on the impacts of Nevada's small backyard and small egg producers. As far as we know, there are no commercial-sized egg producers in Nevada, and we are not aware of any egg producers in the State that use laying cages. This level of 3,000 hens would fit the needs of backyard and small farmers in Nevada, and they would not be subject to what we view as a burdensome requirement for certification. The addition of the conceptual amendment to exempt Nevada egg producers that have 3,000 hens or less would cause us to no longer be in opposition to the bill.

CHAIR RATTI:

In the Senate and in this Committee, you may testify however you feel most authentically regarding your position on this bill. Given the amendment, would you like to be listed under opposition or support?

MR. BUSSELMAN:

With the amendment, we would be in neutral.

ALEXANDRIA DAZLICH (Nevada Restaurant Association):

We are neutral on A.B. 399. We appreciate the intent of the bill; however, we have concerns. It sets a precedent in mandating consumer choice as well as increasing the price of a staple food. As you are aware, the restaurant industry has been greatly devastated by the pandemic and will need time to recover as

we continue to operate at limited capacity. Therefore, instituting this level of change in the distribution and supply chain of a staple food will likely have negative effects on our members.

CHAIR RATTI:

What is an omega-3 egg? Is it a real thing, and does it have any higher nutrient value?

MR. VAN GORKOM:

Yes, it is a real thing. Omega-3 fatty acids have been shown in studies to yield health benefits. These fatty acids can be added to chicken feed; the hen's body absorbs it and passes along a certain amount into the egg itself. When you see eggs listed with an omega-3 enhancement, it should also tell you a numerical value.

CHAIR RATTI:

Does this make an omega-3 egg and a pasture-raised egg mutually exclusive because it has to be done through feed?

MR. VAN GORKOM:

They are not exclusive because even a pasture-raised egg is still given regular chicken feed to supplement its natural grass diet. Whether the egg is cage-free, organic or pasture-raised, theoretically the omega additive could be added to the feed for any of those.

ASSEMBLYMAN WATTS:

Thank you, Chair Ratti, for your eggcellent questions! Many major restaurant chains are moving in this direction, and major gaming companies based in Nevada have already made this commitment. In listening to the stakeholders, we did create a longer phase in the timeline allowing both the producers and those who are obtaining eggs, especially in commercial enterprises, to do this in a way that works and does not create any pain.

CHAIR RATTI:

I will close the hearing on A.B. 399. We have one more item of business with a bill draft request (BDR). We received BDR 40-1107 which needs to be introduced.

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BILL DRAFT REQUEST 40-1107: Creates the Public Health Resource Office.
(Later introduced as [Senate Bill 424](#).)

I will ask for a motion to introduce BDR 40-1107.

SENATOR SPEARMAN MOVED TO INTRODUCE BDR 40-1107.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR KIECKHEFER WAS EXCUSED FOR
THE VOTE.)

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CHAIR RATTI:

There being no further business, I will adjourn the meeting at 6:07 p.m.

RESPECTFULLY SUBMITTED:

Norma Mallett,
Committee Secretary

APPROVED BY:

Senator Julia Ratti, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 344	B	1	Assemblywoman Clara Thomas	Bill Presentation
A.B. 344	C	1	Jeffrey Klein / Nevada Senior Services	Support Testimony and Presentation
A.B. 138	D	1	Assemblywoman Susie Martinez	Bill Presentation
A.B. 138	E	1	Shane Piccinini / Food Bank of Northern Nevada	Support Testimony
A.B. 138	F	1	Shane Piccinini / Food Bank of Northern Nevada	SNAP Nevada Information
A.B. 138	G	1	Shane Piccinini / Food Bank of Northern Nevada	Presentation
A.B. 197	H	1	Assemblyman Howard Watts	Bill Presentation
A.B. 197	I	1	Arash Ghafoori / Nevada Partnership for Homeless Youth	Written Testimony
A.B. 197	J	1	Tayvon Jenkins / Nevada Partnership for Homeless Youth	Written Testimony
A.B. 197	K	1	Leann McAllister / Nevada Chapter of the American Academy of Pediatrics	Support Testimony
A.B. 197	L	1	Patricia Julianelle / SchoolHouse Connection	Support Testimony
A.B. 399	M	1	Assemblyman Howard Watts	Bill Presentation

A.B. 399	N	1	Jeff Dixon / Humane Society of the United States	Written Testimony
A.B. 399	O	1	Jeff Dixon / Humane Society of the United States	Proposed Amendment
A.B. 399	P	1	Jim Van Gorkom / NuCal Foods	Written Testimony
A.B. 399	Q	1	Jerry Wilkins / Morning Fresh Farms	Written Testimony