

ASSEMBLY BILL NO. 132—ASSEMBLYMEN
COHEN; AND ORENTLICHER

FEBRUARY 9, 2023

Referred to Committee on Health and Human Services

SUMMARY—Creates the Committee to Review Overdose Fatalities. (BDR 40-721)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to public health; creating the Committee to Review Overdose Fatalities; providing for the membership of the Committee; setting forth the powers and duties of the Committee; requiring certain information to be made available to the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Committee to Review Suicide Fatalities within the Department of Health and Human Services, consisting of 10 members appointed by the Director of the Department. (NRS 439.5104) The Committee has certain powers and duties, including obtaining and using data and information to: (1) review suicide fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of suicide fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State; (4) evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and (5) recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State. (NRS 439.5106) The Committee also may: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning suicide fatalities in this State; and (4) issue certain reports. (NRS 439.5108) This bill creates a similar committee related to overdose fatalities in this State.

Section 3 of this bill: (1) creates the Committee to Review Overdose Fatalities within the Department; and (2) requires the Director of the Department to appoint 10 members to the Committee, who must be certain persons or represent certain groups or organizations.



Section 4 of this bill sets forth the powers and duties of the Committee, including obtaining and using data and information to: (1) review overdose fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of overdose fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable overdose fatalities in this State; (4) evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of overdose or unintentional substance poisoning in this State; (5) identify current practices for certain forensic toxicology examinations and make any recommendations for changes to such practices; and (6) recommend any improvement in sources of information relating to investigating reported overdose fatalities and preventing overdose fatalities in this State.

Section 5 of this bill authorizes the Committee to: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning overdose fatalities in this State; and (4) issue certain reports. **Sections 5 and 8** of this bill provide that certain books, records or papers received by the Committee are confidential.

Sections 7, 9 and 10 of this bill make conforming changes to require that certain information be made available to the Committee.

Section 2 of this bill defines the term "Committee" to mean the Committee to Review Overdose Fatalities.

Existing law requires, with certain exceptions, that the provisions of chapter 439 of NRS be administered by the Administrator of the Division of Public and Behavioral Health of the Department and the Division. **Section 6** of this bill adds an additional exception to account for the administration of the provisions of **sections 2-5** by the Director.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Committee" means the Committee to Review Overdose Fatalities created by section 3 of this act.*

Sec. 3. 1. *The Committee to Review Overdose Fatalities is hereby created within the Department. The Committee must consist of the following 10 members appointed by the Director:*

(a) A county coroner or medical examiner or his or her designee;

(b) One person who represents providers of health care;

(c) One person who represents organizations having expertise in overdose prevention;

(d) One person who represents organizations having expertise in the treatment of substance use disorder and prevention;

(e) One person who represents mental health agencies;



- (f) *One person who represents law enforcement;*
- (g) *One person who represents the field of pain management;*
- (h) *One person who represents Native American tribes;*
- (i) *One person who represents advocates for persons with addictive disorders and their families; and*
- (j) *One person who represents veterans.*

2. *After the initial term, each member of the Committee shall serve for a term of 3 years and may be reappointed. Each member of the Committee serves at the pleasure of the Director. If a vacancy occurs, the Director shall appoint a new member to fill the vacancy for the remainder of the unexpired term in the same manner as the initial appointment.*

Sec. 4. 1. The Committee:

(a) *Except as otherwise provided in this paragraph, shall adopt a written protocol setting forth the overdose fatalities in this State which must be reported to the Committee and screened for review by the Committee and the overdose fatalities in this State which the Committee may reject for review. The Committee shall not review any case in which litigation is pending.*

(b) *May review any accidental death which the Committee determines may assist in overdose prevention efforts in this State, including, without limitation, any unintentional death from substance poisoning.*

(c) *May establish differing levels of review, including, without limitation, a comprehensive or limited review depending upon the nature of the incident or the purpose of the review.*

2. *The Committee shall obtain and use any data or other information to:*

(a) *Review overdose fatalities in this State to determine trends, risk factors and strategies for prevention;*

(b) *Determine and prepare reports concerning trends and patterns of overdose fatalities in this State;*

(c) *Identify and evaluate the prevalence of risk factors for preventable overdose fatalities in this State;*

(d) *Evaluate and prepare reports concerning high-risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of overdose or unintentional substance poisoning in this State;*

(e) *Identify current practices for forensic toxicology examinations performed during an autopsy that are specific to opioid-related drug overdoses and make any recommendations for changes to such practices; and*

(f) *Recommend any improvement in sources of information relating to investigating reported overdose fatalities and preventing overdose in this State.*



3. *In conducting a review of an overdose fatality in this State, the Committee shall, to the greatest extent practicable, consult and cooperate with:*

(a) *The Advisory Committee for a Resilient Nevada created by NRS 433.726;*

(b) *The Committee to Review Suicide Fatalities created by NRS 439.5104;*

(c) *Halfway houses licensed pursuant to chapter 449 of NRS;*

(d) *The Statewide Substance Use Response Working Group created by NRS 458.460; and*

(e) *A multidisciplinary team to:*

(1) *Review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475 or 228.495;*

(2) *Review the death of a child organized pursuant to NRS 432B.405; and*

(3) *Oversee the review of the death of a child pursuant to NRS 432B.4075.*

4. *Any review conducted by the Committee pursuant to sections 2 to 5, inclusive, of this act, is separate from, independent of and in addition to any investigation or review which is required or authorized by law to be conducted, including, without limitation, any investigation conducted by a coroner or coroner's deputy pursuant to NRS 259.050.*

5. *To conduct a review pursuant to sections 2 to 5, inclusive, of this act, the Committee may access information, including, without limitation, any:*

(a) *Investigative information obtained by a law enforcement agency relating to a death;*

(b) *Records from an autopsy or an investigation conducted by a coroner or coroner's deputy relating to a death, including, without limitation, toxicology test records;*

(c) *Medical, mental health or substance use disorder records of a decedent;*

(d) *Records relating to social or rehabilitative services provided to a decedent; and*

(e) *Records of a social services agency which has provided services to a decedent.*

Sec. 5. 1. The Committee may:

(a) *Conduct investigations and hold hearings in connection with carrying out the provisions of sections 2 to 5, inclusive, of this act.*

(b) *If appropriate, meet and share information with any person or team specified in subsection 3 of section 4 of this act.*



(c) *Petition a district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to any overdose fatality in this State that is the subject of a review conducted by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.*

(d) *Propose recommended legislation concerning overdose fatalities in this State.*

(e) *Issue a special report to notify the appropriate authorities or members of the public concerning the need to take any prompt corrective action concerning overdose fatalities in this State.*

(f) *Engage in any other activity required by the Director concerning overdose fatalities in this State.*

2. *The Committee shall annually submit to the Director a report concerning the activities of the Committee. The report must include, without limitation, a statement setting forth:*

(a) *Any trends or patterns in overdose fatalities in this State or serious risk factors concerning those fatalities; and*

(b) *In addition to any recommendation made pursuant to section 4 of this act, any recommendations for changes in any law, policy or practice that may assist the Committee in preventing overdose fatalities in this State or related serious occurrences.*

3. *A report submitted pursuant to subsection 2 must not include any confidential or privileged information.*

4. *Except as otherwise provided in this section and NRS 239.0115, any information acquired by or any records of the Committee are confidential, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.*

Sec. 6. NRS 439.010 is hereby amended to read as follows:

439.010 Except as otherwise provided in NRS 439.5102 to 439.5108, inclusive, and 439.581 to 439.595, inclusive, *and sections 2 to 5, inclusive, of this act*, the provisions of this chapter must be administered by the Administrator and the Division, subject to administrative supervision by the Director.

Sec. 7. NRS 440.170 is hereby amended to read as follows:

440.170 1. All certificates in the custody of the State Registrar are open to inspection subject to the provisions of this chapter. It is unlawful for any employee of the State to disclose data contained in vital statistics, except as authorized by this chapter or by the Board.



2. Information in vital statistics indicating that a birth occurred out of wedlock must not be disclosed except upon order of a court of competent jurisdiction.

3. The Board:

(a) Shall allow the use of data contained in vital statistics to carry out the provisions of NRS 442.300 to 442.330, inclusive;

(b) Shall allow the use of certificates of death by a multidisciplinary team:

(1) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475; and

(2) To review the death of a child established pursuant to NRS 432B.405 and 432B.406;

(c) Shall allow the use of certificates of death by the:

(1) Committee on Domestic Violence appointed pursuant to NRS 228.470; ~~and~~

(2) Committee to Review Suicide Fatalities created by NRS 439.5104; and

(3) Committee to Review Overdose Fatalities created by section 3 of this act; and

(d) May allow the use of data contained in vital statistics for other research purposes, but without identifying the persons to whom the records relate.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,



1 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
2 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
3 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
4 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
5 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
6 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
7 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
8 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
9 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
10 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
11 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
12 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
13 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
14 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
15 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
16 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
17 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
18 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
19 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
20 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
21 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
22 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
23 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
24 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
25 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
26 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
27 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
28 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
29 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
30 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
31 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
32 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
33 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
34 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
35 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
36 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
37 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
38 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
39 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
40 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
41 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
42 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
43 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
44 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
45 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,



1 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
2 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
3 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
4 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
5 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
6 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
7 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
8 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
9 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
10 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
11 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
12 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
13 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
14 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
15 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
16 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
17 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
18 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
19 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
20 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
21 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
22 711.600, *and section 5 of this act*, sections 35, 38 and 41 of chapter
23 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
24 of Nevada 2013 and unless otherwise declared by law to be
25 confidential, all public books and public records of a governmental
26 entity must be open at all times during office hours to inspection by
27 any person, and may be fully copied or an abstract or memorandum
28 may be prepared from those public books and public records. Any
29 such copies, abstracts or memoranda may be used to supply the
30 general public with copies, abstracts or memoranda of the records or
31 may be used in any other way to the advantage of the governmental
32 entity or of the general public. This section does not supersede or in
33 any manner affect the federal laws governing copyrights or enlarge,
34 diminish or affect in any other manner the rights of a person in any
35 written book or record which is copyrighted pursuant to federal law.

36 2. A governmental entity may not reject a book or record
37 which is copyrighted solely because it is copyrighted.

38 3. A governmental entity that has legal custody or control of a
39 public book or record shall not deny a request made pursuant to
40 subsection 1 to inspect or copy or receive a copy of a public book or
41 record on the basis that the requested public book or record contains
42 information that is confidential if the governmental entity can
43 redact, delete, conceal or separate, including, without limitation,
44 electronically, the confidential information from the information



1 included in the public book or record that is not otherwise
2 confidential.

3 4. If requested, a governmental entity shall provide a copy of a
4 public record in an electronic format by means of an electronic
5 medium. Nothing in this subsection requires a governmental entity
6 to provide a copy of a public record in an electronic format or by
7 means of an electronic medium if:

8 (a) The public record:

9 (1) Was not created or prepared in an electronic format; and

10 (2) Is not available in an electronic format; or

11 (b) Providing the public record in an electronic format or by
12 means of an electronic medium would:

13 (1) Give access to proprietary software; or

14 (2) Require the production of information that is confidential
15 and that cannot be redacted, deleted, concealed or separated from
16 information that is not otherwise confidential.

17 5. An officer, employee or agent of a governmental entity who
18 has legal custody or control of a public record:

19 (a) Shall not refuse to provide a copy of that public record in the
20 medium that is requested because the officer, employee or agent has
21 already prepared or would prefer to provide the copy in a different
22 medium.

23 (b) Except as otherwise provided in NRS 239.030, shall, upon
24 request, prepare the copy of the public record and shall not require
25 the person who has requested the copy to prepare the copy himself
26 or herself.

27 **Sec. 9.** NRS 392.317 is hereby amended to read as follows:

28 392.317 Except as otherwise provided in NRS 392.317 to
29 392.337, inclusive, and in addition to information provided pursuant
30 to NRS 392.337, information maintained by an agency which
31 provides child welfare services pursuant to NRS 392.275 to
32 392.365, inclusive, may, at the discretion of the agency which
33 provides child welfare services, be made available only to:

34 1. The child who is the subject of the report, the parent or
35 guardian of the child and an attorney for the child or the parent or
36 guardian of the child, if the identity of the person responsible for
37 reporting the abuse or neglect of the child or the violation of NRS
38 201.540, 201.560, 392.4633 or 394.366 to a public agency and the
39 identity of any child witness are kept confidential and the
40 information is reasonably necessary to promote the safety,
41 permanency and well-being of the child who is the subject of the
42 report;

43 2. A physician, if the physician has before him or her a child
44 who the physician has reasonable cause to believe has been abused



1 or neglected or subject to a violation of NRS 201.540, 201.560,
2 392.4633 or 394.366;

3 3. An agency, including, without limitation, an agency in
4 another jurisdiction, responsible for or authorized to undertake the
5 care or treatment or supervision of the child or investigate the
6 allegations in the report;

7 4. A district attorney or other law enforcement officer who
8 requires the information in connection with an investigation or
9 prosecution of the conduct alleged in the report;

10 5. A court, other than a juvenile court, for in camera inspection
11 only, unless the court determines that public disclosure of the
12 information is necessary for the determination of an issue before it;

13 6. A person engaged in bona fide research or an audit, but
14 information identifying the subjects of a report must not be made
15 available to the person;

16 7. A grand jury upon its determination that access to these
17 records and the information is necessary in the conduct of its official
18 business;

19 8. A federal, state or local governmental entity, or an agency of
20 such an entity, or a juvenile court, that needs access to the
21 information to carry out its legal responsibilities to protect children
22 from abuse and neglect and violations of NRS 201.540, 201.560,
23 392.4633 or 394.366 or similar statutes in another jurisdiction;

24 9. A person or an organization that has entered into a written
25 agreement with an agency which provides child welfare services to
26 provide assessments or services and that has been trained to make
27 such assessments or provide such services;

28 10. A team organized pursuant to NRS 432B.405 to review the
29 death of a child;

30 11. Upon written consent of the parent, any officer of this State
31 or a city or county thereof or Legislator authorized by the agency or
32 department having jurisdiction or by the Legislature, acting within
33 its jurisdiction, to investigate the activities or programs of an agency
34 which provides child welfare services if:

35 (a) The identity of the person making the report is kept
36 confidential; and

37 (b) The officer, Legislator or a member of the family of the
38 officer or Legislator is not the person alleged to have engaged in the
39 conduct described in the report;

40 12. The Division of Parole and Probation of the Department of
41 Public Safety for use pursuant to NRS 176.135 in making a
42 presentence investigation and report to the district court or pursuant
43 to NRS 176.151 in making a general investigation and report;

44 13. A public school, private school, school district or
45 governing body of a charter school or private school in this State or



any other jurisdiction that employs a person named in the report, allows such a person to serve as a volunteer or is considering employing such a person or accepting such a person as a volunteer;

14. The school attended by the child who is the subject of the report and the board of trustees of the school district in which the school is located or the governing body of the school, as applicable;

15. An employer in accordance with subsection 3 of NRS 432.100; ~~and~~

16. The Committee to Review Suicide Fatalities created by NRS 439.5104 ~~[-]~~; and

17. The Committee to Review Overdose Fatalities created by section 3 of this act.

Sec. 10. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court, as defined in NRS 159A.015, to determine whether a guardian or successor guardian of a child should be appointed



1 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,
2 inclusive;

3 (g) A person engaged in bona fide research or an audit, but
4 information identifying the subjects of a report must not be made
5 available to the person;

6 (h) The attorney and the guardian ad litem of the child, if the
7 information is reasonably necessary to promote the safety,
8 permanency and well-being of the child;

9 (i) A person who files or intends to file a petition for the
10 appointment of a guardian or successor guardian of a child pursuant
11 to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive,
12 if the identity of the person responsible for reporting the abuse or
13 neglect of the child to a public agency is kept confidential and the
14 information is reasonably necessary to promote the safety,
15 permanency and well-being of the child;

16 (j) The proposed guardian or proposed successor guardian of a
17 child over whom a guardianship is sought pursuant to chapter 159A
18 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of
19 the person responsible for reporting the abuse or neglect of the child
20 to a public agency is kept confidential and the information is
21 reasonably necessary to promote the safety, permanency and well-
22 being of the child;

23 (k) A grand jury upon its determination that access to these
24 records and the information is necessary in the conduct of its official
25 business;

26 (l) A federal, state or local governmental entity, or an agency of
27 such an entity, or a juvenile court, that needs access to the
28 information to carry out its legal responsibilities to protect children
29 from abuse and neglect;

30 (m) A person or an organization that has entered into a written
31 agreement with an agency which provides child welfare services to
32 provide assessments or services and that has been trained to make
33 such assessments or provide such services;

34 (n) A team organized pursuant to NRS 432B.350 for the
35 protection of a child;

36 (o) A team organized pursuant to NRS 432B.405 to review the
37 death of a child;

38 (p) A multidisciplinary team, as defined in NRS 432B.4014;

39 (q) A parent or legal guardian of the child and an attorney of a
40 parent or guardian of the child, including, without limitation, the
41 parent or guardian of a child over whom a guardianship is sought
42 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,
43 inclusive, if the identity of the person responsible for reporting the
44 abuse or neglect of the child to a public agency is kept confidential
45 and the information is reasonably necessary to promote the safety,



1 permanency and well-being of the child and is limited to
2 information concerning that parent or guardian;

3 (r) The child over whom a guardianship is sought pursuant to
4 chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

5 (1) The child is 14 years of age or older; and

6 (2) The identity of the person responsible for reporting the
7 abuse or neglect of the child to a public agency is kept confidential
8 and the information is reasonably necessary to promote the safety,
9 permanency and well-being of the child;

10 (s) The persons or agent of the persons who are the subject of a
11 report, if the information is reasonably necessary to promote the
12 safety, permanency and well-being of the child and is limited to
13 information concerning those persons;

14 (t) An agency that is authorized by law to license foster homes
15 or facilities for children or to investigate persons applying for
16 approval to adopt a child, if the agency has before it an application
17 for that license or is investigating an applicant to adopt a child;

18 (u) Upon written consent of the parent, any officer of this State
19 or a city or county thereof or Legislator authorized by the agency or
20 department having jurisdiction or by the Legislature, acting within
21 its jurisdiction, to investigate the activities or programs of an agency
22 which provides child welfare services if:

23 (1) The identity of the person making the report is kept
24 confidential; and

25 (2) The officer, Legislator or a member of the family of the
26 officer or Legislator is not the person alleged to have committed the
27 abuse or neglect;

28 (v) The Division of Parole and Probation of the Department of
29 Public Safety for use pursuant to NRS 176.135 in making a
30 presentence investigation and report to the district court or pursuant
31 to NRS 176.151 in making a general investigation and report;

32 (w) Any person who is required pursuant to NRS 432B.220 to
33 make a report to an agency which provides child welfare services or
34 to a law enforcement agency;

35 (x) A local advisory board to expedite proceedings for the
36 placement of children created pursuant to NRS 432B.604;

37 (y) The panel established pursuant to NRS 432B.396 to evaluate
38 agencies which provide child welfare services;

39 (z) An employer in accordance with subsection 3 of
40 NRS 432.100;

41 (aa) A team organized or sponsored pursuant to NRS 217.475 or
42 228.495 to review the death of the victim of a crime that constitutes
43 domestic violence;

44 (bb) The Committee on Domestic Violence appointed pursuant
45 to NRS 228.470; ~~for~~



(cc) The Committee to Review Suicide Fatalities created by NRS 439.5104 ~~H~~; or

(dd) *The Committee to Review Overdose Fatalities created by section 3 of this act.*

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of a report of child abuse or neglect made pursuant to this chapter that is assigned a disposition other than substantiated pursuant to NRS 432B.305 and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services



1 so that the agency may participate in the action through its counsel.
2 The district court shall review the information which the petitioner
3 requests to be released and the petitioner shall be allowed to present
4 evidence in support of the petition. If the court determines that there
5 is a reasonable question of fact as to whether the report was made in
6 bad faith or with malicious intent and that the disclosure of the
7 identity of the person who made the report would not be likely to
8 endanger the life or safety of the person who made the report, the
9 court shall provide a copy of the information to the petitioner and
10 the original information is subject to discovery in a subsequent civil
11 action regarding the making of the report.

12 7. If an agency which provides child welfare services receives
13 any information that is deemed confidential by law, the agency
14 which provides child welfare services shall maintain the
15 confidentiality of the information as prescribed by applicable law.

16 8. Pursuant to this section, a person may authorize the release
17 of information maintained by an agency which provides child
18 welfare services about himself or herself, but may not waive the
19 confidentiality of such information concerning any other person.

20 9. An agency which provides child welfare services may
21 provide a summary of the outcome of an investigation of the alleged
22 abuse or neglect of a child to the person who reported the suspected
23 abuse or neglect.

24 10. Except as otherwise provided in this subsection, any person
25 who is provided with information maintained by an agency which
26 provides child welfare services and who further disseminates the
27 information or makes the information public is guilty of a gross
28 misdemeanor. This subsection does not apply to:

29 (a) A district attorney or other law enforcement officer who uses
30 the information solely for the purpose of initiating legal
31 proceedings;

32 (b) An employee of the Division of Parole and Probation of the
33 Department of Public Safety making a presentence investigation and
34 report to the district court pursuant to NRS 176.135 or making a
35 general investigation and report pursuant to NRS 176.151; or

36 (c) An employee of a juvenile justice agency who provides the
37 information to the juvenile court.

38 11. An agency which provides child welfare services may
39 charge a fee for processing costs reasonably necessary to prepare
40 information maintained by the agency which provides child welfare
41 services for release pursuant to this section.

42 12. An agency which provides child welfare services shall
43 adopt rules, policies or regulations to carry out the provisions of this
44 section.



1 13. As used in this section, “juvenile justice agency” means the
2 Youth Parole Bureau or a director of juvenile services.

3 **Sec. 11.** As soon as practicable after October 1, 2023, the
4 Director of the Department of Health and Human Services shall
5 appoint the members of the Committee to Review Overdose
6 Fatalities required by section 3 of this act to initial terms as follows:

- 7 1. Four members to serve for a term of 3 years;
8 2. Three members to serve for a term of 2 years; and
9 3. Three members to serve for a term of 1 year.

