

Amendment No. 172

Assembly Amendment to Assembly Bill No. 132	(BDR 40-721)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/AAK



Date: 4/19/2023

A.B. No. 132—Creates the Committee to Review Overdose Fatalities.
(BDR 40-721)



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.]~~ Establishes provisions relating to the review of opioid 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;]~~ authorizing certain persons and entities to conduct an opioid overdose fatality review; prohibiting the use of an opioid overdose fatality review for certain purposes; requiring certain information to be made available to ~~[the Committee;]~~ a person or entity conducting an opioid overdose fatality review; providing certain immunity from liability; 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]~~ enables certain persons and entities to review fatalities resulting from opioid overdoses 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 2 of this bill defines the term “opioid overdose fatality review” to mean a review of one or more deaths resulting from an opioid overdose. Section 3.5 of this bill authorizes certain governmental entities and health care facilities, a provider of health care or faculty or students at an institution of higher education to conduct an opioid overdose fatality review. Section 3.5 also authorizes other entities to enter into a memorandum of understanding with a governmental entity or an institution of higher education authorizing the entity to conduct an opioid overdose fatality review. Section 3.5: (1) requires a person or entity conducting an opioid overdose fatality review to make any results, findings or recommendations from the opioid overdose fatality review available to the public; and (2) prohibits such a person or entity from using the opioid overdose fatality review for the commercial or exclusive benefit of the entity.

Section 4 of this bill authorizes a person or entity conducting an opioid overdose fatality review to consult and cooperate with certain entities and access certain information. Section 4 also prescribes certain activities that may be conducted as part of an opioid overdose fatality review.

Section 5 of this bill authorizes ~~[the Committee]~~ a person or entity conducting an opioid overdose fatality review 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]~~ recommendations concerning overdose fatalities in this State; and (4) ~~[issue]~~ publish certain reports. Sections 3.5, 5 and 8 of this bill provide that certain books, records or papers received by ~~[the Committee]~~ a person or entity conducting an opioid overdose fatality review are confidential. Section 5 also provides immunity from civil and criminal liability for persons and entities that act in due care in accordance with sections 2-5 of this bill and other applicable law.

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.] a person or entity conducting an opioid overdose fatality review.~~

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.~~ “opioid overdose fatality review” means a review of one or more deaths resulting from an opioid overdose which is conducted in accordance with sections 2 to 5, inclusive, of this act.*

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

- 4 ~~— (a) A county coroner or medical examiner or his or her designee;~~
5 ~~— (b) One person who represents providers of health care;~~
6 ~~— (c) One person who represents organizations having expertise in overdose~~
7 ~~prevention;~~
8 ~~— (d) One person who represents organizations having expertise in the~~
9 ~~treatment of substance use disorder and prevention;~~
10 ~~— (e) One person who represents mental health agencies;~~
11 ~~— (f) One person who represents law enforcement;~~
12 ~~— (g) One person who represents the field of pain management;~~
13 ~~— (h) One person who represents Native American tribes;~~
14 ~~— (i) One person who represents advocates for persons with addictive disorders~~
15 ~~and their families; and~~
16 ~~— (j) One person who represents veterans.~~

17 ~~2. After the initial term, each member of the Committee shall serve for a~~
18 ~~term of 3 years and may be reappointed. Each member of the Committee serves at~~
19 ~~the pleasure of the Director. If a vacancy occurs, the Director shall appoint a new~~
20 ~~member to fill the vacancy for the remainder of the unexpired term in the same~~
21 ~~manner as the initial appointment.] (Deleted by amendment.)~~

22 **Sec. 3.5. 1. Any of the following entities may conduct an opioid overdose**
23 **fatality review:**

- 24 (a) A state or local governmental entity.
25 (b) A hospital, as defined in NRS 449.012, or other facility licensed pursuant
26 to chapter 449 of NRS that is engaged in the treatment of mental health or
27 substance use disorders.

28 (c) A provider of health care, as defined in NRS 629.031, for whom
29 conducting an opioid overdose fatality review is within his or her scope of
30 practice.

31 (d) A faculty member, student or group of faculty members or students at an
32 institution of higher education, if:

33 (1) The student, faculty member or group is engaged in relevant research
34 and has the express permission of the institution; and

35 (2) The institution assumes responsibility for ensuring that the
36 confidentiality of the information collected during the opioid overdose fatality
37 review is protected, including, without limitation, by storing such information in
38 accordance with all applicable state and federal laws.

39 (e) Any other entity that has entered into a memorandum of understanding
40 that meets the requirements of subsection 3 with a state or local governmental
41 entity or an institution of higher education.

42 2. A state or local governmental entity or an institution of higher education
43 shall not enter into a memorandum of understanding with an entity pursuant to
44 paragraph (e) of subsection 1 unless the entity proposing to conduct an opioid
45 overdose fatality review demonstrates that the entity is:

46 (a) Capable of conducting an opioid overdose fatality review in accordance
47 with sections 2 to 5, inclusive, of this act; and

48 (b) Able to maintain the confidentiality of information obtained during the
49 opioid overdose fatality review and otherwise comply with sections 2 to 5,
50 inclusive, of this act and all other relevant state and federal laws.

51 3. A memorandum of understanding entered into pursuant to paragraph (e)
52 of subsection 1 must:

(a) Define the scope of the opioid overdose fatality review and the activities that will comprise the opioid overdose fatality review;

(b) Prescribe the measures the entity proposing to conduct the opioid overdose fatality review will take to:

(1) Maintain the confidentiality of information obtained during the opioid overdose fatality review; and

(2) Otherwise comply with sections 2 to 5, inclusive, of this act and all other relevant state and federal laws;

(c) Prescribe the duties of the entity proposing to conduct the opioid overdose fatality review and the state or local governmental entity or institution of higher education, as applicable;

(d) Authorize the state or local governmental entity or institution of higher education, as applicable, to access any information obtained as part of the opioid overdose fatality review; and

(e) Transfer any copyright or other intellectual property resulting from the opioid overdose fatality review to the state or local governmental entity or institution of higher education, as applicable.

4. A person or entity that conducts an opioid overdose fatality review or enters into a memorandum of understanding pursuant to paragraph (e) of subsection 1 authorizing another entity to conduct an opioid overdose fatality review:

(a) Shall make any results, findings or recommendations from the opioid overdose fatality review available to the public; and

(b) Shall not use the opioid overdose fatality review or any work product, results, findings or recommendations resulting from the opioid overdose fatality review for commercial purposes or other purposes to exclusively benefit the person or entity.

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~~ A person or entity conducting an opioid overdose fatality review ~~for an opioid overdose fatality review~~ ~~of an overdose fatality in this State, the Committee shall, to the greatest extent practicable, may 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,~~

2. An opioid overdose fatality review 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~~

3. A person or entity conducting an opioid overdose fatality review 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.

4. An opioid overdose fatality review may include, without limitation:

(a) Consideration of the points of contact between the decedent and:

(1) The health care system;

(2) Social services agencies, including, without limitation, agencies which provide child welfare services, as defined in NRS 432B.030;

(3) Law enforcement agencies and other agencies within the criminal justice system; and

(4) Any other relevant persons or entities;

(b) Identification of specific factors, including, without limitation, social determinants of health, that increased the decedent's risk of an opioid overdose;

(c) The collection, maintenance and analysis of data relating to fatalities resulting from opioid overdoses; and

(d) The development of strategies to reduce opioid overdoses that are specific to particular communities.

Sec. 5. 1. [The Committee] A person or entity conducting an opioid overdose fatality review 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~~ 1 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~~ the overdose fatality ~~in this State~~ that is the subject of ~~the~~ the opioid overdose fatality 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~~ recommendations concerning overdose fatalities in this State. Such recommendations may include, without limitation:

(1) Recommended strategies to improve the coordination among agencies of services and investigations to reduce opioid overdoses; and

(2) Advice to local, regional or state policymakers concerning changes to law, policy, funding or procedures to prevent opioid overdoses.

(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 person or entity that conducts an opioid overdose fatality review may publish reports concerning:

(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]~~ 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~~ published pursuant to subsection 2 must not include any confidential or privileged information.

4. Except as otherwise provided in this section and NRS 239.0115 ~~and~~ section 3.5 of this act, any information acquired ~~by~~ as part of an opioid overdose fatality review or any records ~~of the Committee~~ concerning an opioid overdose fatality review are confidential, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

5. Except as otherwise provided in this subsection, a person or entity who, exercising due care, takes any action authorized by sections 2 to 5, inclusive, of this act, including, without limitation, making information available to a person or entity conducting an opioid overdose fatality review, is immune from civil or criminal liability for that action. The provisions of this subsection do not apply to a person or entity that fails to comply with:

(a) Any provision of sections 2 to 5, inclusive, of this act or other applicable law; or

(b) A memorandum of understanding entered into pursuant to paragraph (e) of subsection 1 of section 3.5 of this act.

1 **Sec. 6.** ~~NRS 439.010 is hereby amended to read as follows:~~
2 ~~439.010 Except as otherwise provided in NRS 439.5102 to 439.5108,~~
3 ~~inclusive, and 439.581 to 439.595, inclusive, and sections 2 to 5, inclusive, of this~~
4 ~~act, the provisions of this chapter must be administered by the Administrator and~~
5 ~~the Division, subject to administrative supervision by the Director.]~~ (Deleted by
6 amendment.)

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

8 440.170 1. All certificates in the custody of the State Registrar are open to
9 inspection subject to the provisions of this chapter. It is unlawful for any employee
10 of the State to disclose data contained in vital statistics, except as authorized by this
11 chapter or by the Board.

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

15 3. The Board:

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

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

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

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

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

24 (1) The Committee on Domestic Violence appointed pursuant to NRS
25 228.470; ~~and~~

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

28 (3) ~~[Committee to Review Overdose Fatalities created by section 3]~~ A
29 person or entity conducting an opioid overdose fatality review pursuant to
30 sections 2 to 5, inclusive, of this act; and

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

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

34 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
35 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,
36 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,
37 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
38 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
39 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
40 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,
41 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
42 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
43 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
44 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
45 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
46 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,
47 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
48 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
49 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
50 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
51 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
52 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
53 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,

268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
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293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
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439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
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458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
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480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
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640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
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645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
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679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
704B.325, 706.1725, 706A.230, 710.159, 711.600, ~~and (section)~~ **sections 3.5 and 5**
of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and

section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

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

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

1. The child who is the subject of the report, the parent or guardian of the child and an attorney for the child or the parent or guardian of the child, if the identity of the person responsible for reporting the abuse or neglect of the child or the violation of NRS 201.540, 201.560, 392.4633 or 394.366 to a public agency and the identity of any child witness are kept confidential and the information is

1 reasonably necessary to promote the safety, permanency and well-being of the child
2 who is the subject of the report;

3 2. A physician, if the physician has before him or her a child who the
4 physician has reasonable cause to believe has been abused or neglected or subject
5 to a violation of NRS 201.540, 201.560, 392.4633 or 394.366;

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

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

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

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

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

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

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

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

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

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

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

36 12. The Division of Parole and Probation of the Department of Public Safety
37 for use pursuant to NRS 176.135 in making a presentence investigation and report
38 to the district court or pursuant to NRS 176.151 in making a general investigation
39 and report;

40 13. A public school, private school, school district or governing body of a
41 charter school or private school in this State or any other jurisdiction that employs a
42 person named in the report, allows such a person to serve as a volunteer or is
43 considering employing such a person or accepting such a person as a volunteer;

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

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

48 16. The Committee to Review Suicide Fatalities created by NRS 439.5104 ~~and~~
49 ; and

50 17. ~~[The Committee to Review Overdose Fatalities created by section 3]~~ A
51 person or entity conducting an opioid overdose fatality review pursuant to
52 sections 2 to 5, inclusive, of this act.

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

2 432B.290 1. Information maintained by an agency which provides child
3 welfare services must be maintained by the agency which provides child welfare
4 services as required by federal law as a condition of the allocation of federal money
5 to this State.

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

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

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

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

18 (1) The child; or

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

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

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

27 (f) A court, as defined in NRS 159A.015, to determine whether a guardian or
28 successor guardian of a child should be appointed pursuant to chapter 159A of NRS
29 or NRS 432B.466 to 432B.468, inclusive;

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

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

35 (i) A person who files or intends to file a petition for the appointment of a
36 guardian or successor guardian of a child pursuant to chapter 159A of NRS or NRS
37 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
38 reporting the abuse or neglect of the child to a public agency is kept confidential
39 and the information is reasonably necessary to promote the safety, permanency and
40 well-being of the child;

41 (j) The proposed guardian or proposed successor guardian of a child over
42 whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466
43 to 432B.468, 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 and the
45 information is reasonably necessary to promote the safety, permanency and well-
46 being of the child;

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

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

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

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

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

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

(q) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, including, without limitation, the parent or guardian of a child over whom a guardianship is sought pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(dd) [The Committee to Review Overdose Fatalities created by section 3] A~~
2 ~~person or entity conducting an opioid overdose fatality review pursuant to~~
3 ~~sections 2 to 5, inclusive, of this act.~~

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

7 (a) A copy of:

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

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

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

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

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

31 6. A person who is the subject of a report of child abuse or neglect made
32 pursuant to this chapter that is assigned a disposition other than substantiated
33 pursuant to NRS 432B.305 and who believes that the report was made in bad faith
34 or with malicious intent may petition a district court to order the agency which
35 provides child welfare services to release information maintained by the agency
36 which provides child welfare services. The petition must specifically set forth the
37 reasons supporting the belief that the report was made in bad faith or with malicious
38 intent. The petitioner shall provide notice to the agency which provides child
39 welfare services so that the agency may participate in the action through its counsel.
40 The district court shall review the information which the petitioner requests to be
41 released and the petitioner shall be allowed to present evidence in support of the
42 petition. If the court determines that there is a reasonable question of fact as to
43 whether the report was made in bad faith or with malicious intent and that the
44 disclosure of the identity of the person who made the report would not be likely to
45 endanger the life or safety of the person who made the report, the court shall
46 provide a copy of the information to the petitioner and the original information is
47 subject to discovery in a subsequent civil action regarding the making of the report.

48 7. If an agency which provides child welfare services receives any
49 information that is deemed confidential by law, the agency which provides child
50 welfare services shall maintain the confidentiality of the information as prescribed
51 by applicable law.

52 8. Pursuant to this section, a person may authorize the release of information
53 maintained by an agency which provides child welfare services about himself or

1 herself, but may not waive the confidentiality of such information concerning any
2 other person.

3 9. An agency which provides child welfare services may provide a summary
4 of the outcome of an investigation of the alleged abuse or neglect of a child to the
5 person who reported the suspected abuse or neglect.

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

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

12 (b) An employee of the Division of Parole and Probation of the Department of
13 Public Safety making a presentence investigation and report to the district court
14 pursuant to NRS 176.135 or making a general investigation and report pursuant to
15 NRS 176.151; or

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

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

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

23 13. As used in this section, "juvenile justice agency" means the Youth Parole
24 Bureau or a director of juvenile services.

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

29 ~~1. Four members to serve for a term of 3 years;~~
30 ~~2. Three members to serve for a term of 2 years; and~~

31 ~~3. Three members to serve for a term of 1 year.] (Deleted by amendment.)~~