

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 17, 2023

Assembly called to order at 11:48 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Bilbray-Axelrod, who was excused.

Prayer by the Chaplain, Pastor Peggy Locke.

The Bible says in Philippians 4:4-7, “Rejoice in the Lord always; again I will say, rejoice. Let your reasonableness be known to everyone. The Lord is at hand; do not be anxious about anything, but in everything by prayer and supplication with thanksgiving let your requests be made known to God. And the peace of God, which surpasses all understanding, will guard your hearts and your minds in Christ Jesus.”

Father, we commit to You all we do today. We place all our cares, worries and anxious thoughts into Your hands. We thank You for Your peace that guards our hearts and minds. We look to You for wisdom and understanding and for Your will to be accomplished.

We pray for our friends, families, and fellow laborers, that they would be encouraged and strengthened as they trust in You.

We pray blessing upon those serving in harm’s way for their continued endurance and dedication in the midst of challenging times.

Thank You for the privilege to serve the people of our beloved Battleborn State of Nevada. Grace and peace be with you as we pray in Jesus Name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 239, 267, 301, 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 72, 185, 207, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 8, 60, 214, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 303, 315, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 32, 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 5.

Resolution read.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Joint Resolution 5 proposes to amend the *Nevada Constitution* to authorize the Legislature to provide by law for the operation and regulation of lotteries, including, without limitation, the sale of lottery tickets. The resolution prohibits the Legislature from passing any laws which grant a special charter or similar governing document to any person or entity to operate a lottery or sell lottery tickets. The resolution further prohibits political subdivisions of the state from operating a lottery or selling lottery tickets. Additionally, the resolution clarifies that the operation of any charitable lotteries must comply with existing provisions in the *Nevada Constitution* governing charitable lotteries.

Roll call on Assembly Joint Resolution No. 5:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Orentlicher, Summers-Armstrong, Yurek—15.

EXCUSED—Bilbray-Axelrod.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read.

Remarks by Assemblymen Watts and Gray.

ASSEMBLYMAN WATTS:

Assembly Joint Resolution 6 proposes to amend the *Nevada Constitution* to adopt the National Popular Vote Compact. If the Compact is effective through adoption by states cumulatively possessing a majority of the electoral votes, the presidential electors in this state must, with limited exception, mark their presidential elector ballots for the national popular vote winner. If there is a tie in the national popular vote, the presidential electors must mark their ballots for the winner of the popular vote in Nevada. The proposed constitutional amendment also provides that Nevada may withdraw from and rejoin the Compact through statute.

If approved in identical form by the 2025 Legislature, the proposal will be submitted to voters for final approval or disapproval. However, the Compact does not take effect until states cumulatively possessing a majority of the electoral votes enact the Compact.

ASSEMBLYMAN GRAY:

I rise in opposition to Assembly Joint Resolution 6. For many years, both Democrats and Republicans in Nevada have successfully pushed for our state to have an early, outsized role in Presidential politics. Assembly Joint Resolution 6 flips that script, ensuring that Nevada is ignored by Presidential candidates.

I still have legal concerns that were not resolved by LCB [Legislative Counsel Bureau] Counsel's explanations. I have studied the history and intent of the Electoral College, and a national popular vote plainly requires an amendment to the *U.S. Constitution*. Americans are not taught that the people were never meant to directly elect a President. The states elect the President. Federalist No. 68 tells us this and that the Electoral College was the least contentious part of the *Constitution* drafted at the 1787 Convention. The National Popular Vote Compact is clearly an end run around the *Constitution* and an offense to our republic.

Mr. Speaker, America is not perfect, but we have accomplished many wonderful things in our history. We ask those enlisting to serve our country to swear an oath to our *Constitution*. In our history, nearly 1.4 million people have given their lives to defend our *Constitution* and our country. All of us in this Chamber also take an oath to that inspired document. Assembly Joint Resolution 6 seeks to push the *Constitution* into the gutter, and I cannot overlook such an offensive act. In summation, our Founding Fathers got this right. For these reasons, I will be a no on AJR 6.

Roll call on Assembly Joint Resolution No. 6:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 3—Directing the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority.

Assemblyman D'Silva moved the adoption of the resolution.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Concurrent Resolution 3 directs the Joint Interim Standing Committee on Growth and Infrastructure to conduct a study of the laws administered by the Nevada Transportation Authority and the Taxicab Authority during the 2023-2024 interim.

Resolution adopted.

By Assemblywomen Anderson and Considine:

Assembly Concurrent Resolution No. 7—Directing the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim.

Assemblywoman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Hafen.

ASSEMBLYWOMAN ANDERSON:

Assembly Concurrent Resolution 7 directs the Joint Interim Standing Committee on Revenue to conduct a study regarding wealth taxes during the 2023-2024 interim. The study must include an examination of laws enacted or considered by other states which impose or propose to impose any wealth tax; which types of wealth may be taxed in this state; and potential revenue that would be generated through the imposition of a wealth tax in our state.

The Committee is required to submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

ASSEMBLYMAN HAFEN:

I rise in opposition to Assembly Concurrent Resolution 7. We all took an oath to support, protect, and defend the *United States Constitution* and the *Nevada Constitution*. It is my personal opinion that this resolution is in violation of Article 10, Section 1, Subsection 7 of the *Nevada Constitution* that “[n]o inheritance tax shall ever be levied” and in violation of Article 10, Section 1, Subsection 9 of the Nevada Constitution that “[n]o income tax shall be levied.” It is our duty and our obligation to oppose these types of taxes; therefore, we should not be spending taxpayer dollars to study it. I urge my colleagues to uphold their oath of office and vote no on ACR 7.

Resolution adopted.

NOTICE OF EXEMPTION

April 16, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 119, 349, 448.

SARAH COFFMAN
Fiscal Analysis Division

April 17, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 36, 277, 279, 291, 329, 425.

WAYNE THORLEY
Fiscal Analysis Division

Assemblywoman Jauregui moved that Assembly Bill No. 146 be taken from the Chief Clerk’s Desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 50.

Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 197.

AN ACT relating to children; revising the membership of the Nevada Early Childhood Advisory Council; defining the term “early childhood program” for purposes of the duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and sets forth the minimum membership of the Council, who are to be appointed by the Governor. The Governor is also authorized to appoint such additional members to the Council as the Governor determines are necessary. (NRS 432A.076) This bill requires that the membership of the Council include: (1) one member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services whose duties include responsibility for maternal, child and adolescent health; (2) one member who is a representative of the Program for Child Care and Development in the Division of Welfare and Supportive Services of the Department; (3) one member who is a representative of a public school who works with pupils in kindergarten through grade 3; (4) one member who is a representative of a tribal organization; and (5) at least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs. **This bill provides that the member who is appointed as a representative of the Department of Education whose duties include responsibilities for certain programs may, alternatively, be a representative of the Department of Health and Human Services whose duties include similar responsibilities.** This bill also defines the term “early childhood program” for purposes of the duties of the Council as any program **that stimulates physical, cognitive, linguistic, social and emotional development** for children less than 8 years of age pertaining to: (1) nutrition; (2) health care; (3) mental and behavioral health; (4) protection; ~~for~~ **and** (5) play and learning. ~~[to stimulate physical, cognitive, linguistic, social and emotional development.]~~

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

Section 1. NRS 432A.076 is hereby amended to read as follows:

432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

(a) One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for child care;

(b) *One member who is a representative of the Division of Public and Behavioral Health of the Department whose duties include responsibility for maternal, child and adolescent health;*

(c) *One member who is a representative of the Program for Child Care and Development, as defined in NRS 422A.055;*

(d) One member who is a representative of the Department of Education;

~~[(e)]~~ (e) One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq. ~~[(f)]~~, or a representative of the Department of Health and Human Services whose duties include responsibilities for programs under part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(d)]~~ (f) One member who is a representative of the boards of trustees of the school districts in this State;

~~[(e)]~~ (g) One member who is a representative of the Nevada System of Higher Education;

~~[(f)]~~ (h) One member who is a representative of local providers of early childhood education and developmental services;

~~[(g)]~~ (i) *One member who is a representative of a public school, as defined in NRS 385.007, who works with pupils in kindergarten through grade 3;*

(j) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

~~[(h)]~~ (k) One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

~~[(i)]~~ (l) One member who is a representative of the Aging and Disability Services Division of the Department;

~~[(j)]~~ (m) One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood ~~education~~ programs;

~~[(k)]~~ (n) One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood ~~education~~ programs;

~~[(l)]~~ (o) One member who is a representative of the pediatric mental, physical or behavioral health care industry;

(p) *One member who is a representative of a tribal organization ~~[(j)]~~, with consideration given to an enrolled member of a Nevada Indian tribe who is recommended by the Nevada Indian Commission in consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization;*

(q) *At least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs, including, without limitation:*

(1) *The Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS;*

(2) *Head Start or Early Head Start;*

(3) *Nevada Home Visiting Program in the Department;*

(4) *Nevada Ready! State Pre-K program in the Department of Education; or*

(5) *The Special Supplemental Nutrition Program for Women, Infants and Children in the United States Department of Agriculture; and*

~~[(m)]~~ (r) Such other members as the Governor determines are appropriate.

2. **In making the appointment of any member pursuant to paragraph (q) of subsection 1, the Governor, to the extent practicable, must give preference to a parent or guardian who represents a diverse population of this State.**

3. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood ~~education~~ programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood ~~education~~ programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood ~~education~~ programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood ~~education~~ programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood ~~education~~ programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood ~~education~~ programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood ~~education~~ programs.

(h) Perform such other duties relating to early childhood ~~education~~ programs as designated by the Governor.

~~{3}~~ 4. On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

~~{4}~~ 5. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

~~{5}~~ 6. *As used in this section, “early childhood program” means any program for children less than 8 years of age pertaining to:*

- (a) Nutrition;*
- (b) Health care;*
- (c) Mental and behavioral health;*
- (d) Protection; ~~for~~ and*
- (e) Play and learning .*

↪ to stimulate physical, cognitive, linguistic, social and emotional development.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 122.

~~{ASSEMBLYWOMAN}~~ ASSEMBLYMEN BROWN-MAY ; GONZÁLEZ, GORELOW, GRAY, NEWBY, NGUYEN, ORENTLICHER, PETERS, TAYLOR AND THOMAS

AN ACT relating to health care; requiring certain providers of health care or other services and midwives to provide current, evidence-based information concerning Down syndrome to a person under certain circumstances; requiring certain providers of health care or other services and midwives to make certain referrals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the testing of newborn children and persons who are pregnant to detect certain disorders and conditions. (NRS 442.010-442.020, 442.500-442.700) Existing law provides for the dissemination of information concerning certain conditions affecting a person who is pregnant and newborn children. (NRS 442.340, 442.385, 442.390, 442.590, 442.660) This bill

requires a provider of health care or other services or midwife who provides prenatal care or pediatric care to provide certain information concerning Down syndrome and support services in the community for persons with Down syndrome to: (1) a person who is pregnant and has received a positive test result from a prenatal test for Down syndrome ~~for~~ **if the person requests such information;** or (2) the parent or guardian of a child with Down syndrome. This bill also requires such a provider or midwife to refer such a person to appropriate support services in the community when necessary. **This bill requires the Department of Health and Human Services to post on an Internet website maintained by the Department a list of such support services available in different areas of this State.**

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a positive test result from a prenatal test for Down syndrome performed on a person who is pregnant ~~for~~, a provider of health care or other services or a midwife who provides prenatal care or pediatric care shall ask the person who is pregnant if the person wishes to receive information concerning Down syndrome pursuant to subsection 2.

2. Upon receipt of a positive test result from a postnatal test for Down syndrome performed on a child ~~for~~ or if a person chooses to receive information concerning Down syndrome pursuant to subsection 1, a provider of health care or other services or a midwife who provides prenatal care or pediatric care shall provide the person who is pregnant or the parent or guardian of the child, as applicable, with:

(a) Written information concerning Down syndrome that is current and based on peer-reviewed medical literature and research. Such information must include, without limitation:

- (1) The current life expectancy for people with Down syndrome;***
- (2) The standard intellectual and functional development of a person with Down syndrome; and***
- (3) The clinical course and treatment options for a person with Down syndrome.***

(b) Any necessary referral to support services in the community for people with Down syndrome and parents or guardians of such persons, including, without limitation, early intervention, resource centers, hotlines and other education and support programs.

2. The Department shall post on an Internet website maintained by the Department a list of support services available in the community for people with Down syndrome and parents or guardians of such persons in different areas of this State.

3. The State Board of Health may adopt any regulations necessary to carry out the provisions of this section.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 119.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 123.

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; requiring the Attorney General to develop a plan in response to certain reports developed by the Committee; providing access for the Committee to certain documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) **Section 3** of this bill defines the term "adult maltreatment" to refer to such crimes. **Sections 4-7** of this bill define certain other terms. **Section 8** of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. **Section 8** also prescribes certain rules governing the operation of the Committee. **Section 8** immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. **Section 8** authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to : ~~biennially;~~ (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the Attorney General and the Legislature a separate report containing certain information and recommendations about adult maltreatment. Section 10 requires a representative of the Committee

or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. Section 10 also requires the Attorney General to annually publish and present at a public meeting a plan to address the information and recommendations contained in that report. Section 11 of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and 14** of this bill provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) **Section 10** requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate. **Section 12** authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. **Section 13** of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Adult maltreatment” means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.*

Sec. 4. *“Committee” means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.*

Sec. 5. *“Facility or service provider” means:*

- 1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.*
- 2. A provider of emergency medical services.*
- 3. A facility for long-term rehabilitation.*

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 6. "Older person" has the meaning ascribed to it in NRS 228.255.

Sec. 7. "Vulnerable person" has the meaning ascribed to it in NRS 228.262.

Sec. 8. 1. The Vulnerable Adult Fatality Review Committee is hereby established within the Department.

2. The Director shall appoint to the Committee ~~four~~ :

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons; and

(b) At least ~~four~~ 5 but not more than ~~12~~ 11 members who:

~~(a)~~ (1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons interested in adult maltreatment or the welfare of older persons and vulnerable persons; and

~~(b)~~ (2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Committee.

5. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good

faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. 1. The Committee:

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by the Division, a law enforcement agency or an adult related to the decedent within the third degree of consanguinity; and

(b) May, within the limits of available resources, review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment.

2. A review pursuant to subsection 1 must include, without limitation, and to the extent that such records exist, a review of relevant medical records, death certificates, records of an autopsy, records created by a facility or provider, records of the Division, records of a social services agency, mental health records and records of a law enforcement agency described in section 12 of this act.

Sec. 10. 1. In addition to conducting reviews pursuant to section 9 of this act, the Committee shall:

(a) Within the limits of available resources:

(1) Cross-reference databases maintained by the Division with databases maintained by coroners and medical examiners in this State to identify deaths that may have been caused by or related to adult maltreatment and review such deaths in accordance with section 9 of this act.

(2) Review incidents and trends in adult maltreatment in this State.

(3) Identify and review disparities in the incidence of adult maltreatment in this State by analyzing:

(I) The race, ethnicity and age of persons who experience adult maltreatment;

(II) The geographic region of the residence of persons who experience adult maltreatment; and

(III) Any other variables identified by the Committee.

(b) Refer a case of suspected adult maltreatment to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265 for further investigation and prosecution where appropriate.

(c) *Based on the reviews conducted pursuant to paragraph (a) and section 9 of this act, develop findings and recommendations to prevent adult maltreatment and address the needs of victims of adult maltreatment.*

(d) *Disseminate the findings and recommendations developed pursuant to paragraph (c) to the Division, providers of health care, agencies and organizations that provide social services, facilities or service providers, law enforcement agencies, organizations that provide services to victims of adult maltreatment, other interested persons and entities and the public.*

(e) *On or before December 31 of each even-numbered year ~~for~~ ~~(1) Compile~~, compile and publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State during the immediately preceding 24 months. Such data must be aggregated and presented in a manner that does not allow for the identification of any person.*

~~(2) In collaboration with the Division, develop and submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature~~

(f) On or before December 31 of each year:

(1) Develop, in collaboration with the Division, a report that includes, without limitation:

(I) A description of the deaths resulting from adult maltreatment and other incidents of adult maltreatment reviewed pursuant to paragraph (a) of subsection 1 and section 9 of this act, respectively, during the immediately preceding ~~24~~ 12 months, provided in a manner that does not allow for the identification of any person;

(II) A summary of the disparities identified and reviewed pursuant to subparagraph (3) of paragraph (a) of subsection 1;

(III) Plans for corrective action to reduce adult maltreatment in this State; and

(IV) Recommendations for any legislation or other changes to policy to reduce adult maltreatment or otherwise improve the well-being of older persons and vulnerable persons in this State ~~for~~; and

(2) Submit the report developed pursuant to subparagraph (1) to the Office of the Attorney General and the Director of the Legislative Counsel Bureau for transmittal to:

(I) For a report submitted on or before December 31 of an odd-numbered year, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(II) For a report submitted on or before December 31 of an even-numbered year, the next regular session of the Legislature.

2. *The Committee may, within the limits of available resources:*

(a) *Conduct any other research into issues relating to adult maltreatment or the well-being of older persons and vulnerable persons in this State;*

(b) *Promote changes in policy in the public and private sectors to reduce adult maltreatment or address the effects of adult maltreatment;*

(c) Take measures to improve the services provided to victims of adult maltreatment, including, without limitation, identifying gaps in services provided to victims of adult maltreatment and reducing barriers to service for victims of adult maltreatment; and

(d) Engage in activities to increase public awareness regarding adult maltreatment.

3. On or before August 1 of each odd-numbered year, a representative of the Committee or the Division shall present the findings, plans for corrective action and recommendations for changes to policy contained in the reports developed pursuant to paragraph (f) of subsection 1 for the immediately preceding 2 years at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750.

4. Not later than 90 days after receiving a report pursuant to subparagraph (2) of paragraph (f) of subsection 1, the Office of the Attorney General shall:

(a) Develop a plan to address the findings, plans for corrective action and recommendations for changes to policy contained in the report;

(b) Present the plan at a public hearing; and

(c) Post the plan on the Internet website of the Attorney General.

Sec. 11. The Committee may take any action necessary to carry out its duties, including, without limitation:

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university, to:

(a) Assist the Committee with its organization and meetings;

(b) Collect, analyze and disseminate information; or

(c) Assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and

4. Employing such persons as it deems necessary to carry out its duties.

Sec. 12. 1. The Committee is entitled to access to:

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) *Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).*

2. *The Committee may, if appropriate, meet and share information with:*

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

(b) *The Committee on Domestic Violence appointed pursuant to NRS 228.470; or*

(c) *The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.*

3. *The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.*

4. *The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.*

5. *Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.*

6. *The meetings of the Committee are closed to the public.*

Sec. 13. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

- (a) A representative of the Unit;
- (b) Any law enforcement agency that is involved with the case under review;
- (c) The district attorney's office in the county where the case is under review;
- (d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;
- (e) A representative of the coroner's office; and
- (f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.

5. *On or before February 1 of each year, the Unit shall:*

(a) *Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and*

(b) *Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:*

(1) *In odd-numbered years, the next regular session of the Legislature; and*

(2) *In even-numbered years, the Joint Interim Standing Committee on the Judiciary.*

Sec. 14. 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, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 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, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 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, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 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, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,

484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 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, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 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 12 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. 15. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

- (a) The Legislature of the State of Nevada.
- (b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 12 of this act*, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16. Notwithstanding the provisions of ~~[paragraph]~~ **paragraphs** (e) **and (f)** of subsection 1 of section 10 of this act, the first reports required by ~~[subparagraphs (1) and (2) of that paragraph]~~ **those paragraphs** must be published on an Internet website maintained by the Department of Health and Human Services or submitted to the **Attorney General and the** Director of the Legislative Counsel Bureau, as applicable, on or before December 31, 2026.

Sec. 17. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 18. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time.

Assemblywoman Jauregui moved that Amendment No. 249 be placed on the Chief Clerk's Desk.

Motion carried.

Bill ordered to third reading.

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 74.

AN ACT relating to dentistry; requiring dental hygienists and dental therapists to comply with certain requirements governing the provision of health care; requiring ~~[certain]~~ providers of dental care to receive training on teledentistry ~~[.]~~ **before providing services through teledentistry;** prescribing certain requirements relating to the secure storage of electronic records; providing for the issuance of special endorsements for a dentist, dental hygienist or dental therapist to administer immunizations; imposing certain requirements relating to the administration of immunizations by the holder of

such an endorsement; **requiring a dentist or dental hygienist to refer a minor to a dental home when appropriate;** deeming certain conduct by a provider of dental care to be unprofessional conduct; authorizing the imposition of disciplinary action against a dentist, dental hygienist or dental therapist for certain violations; requiring hospitals and issuers of Medicaid managed care plans to take certain measures to ensure access by recipients of Medicaid to teledentistry; ~~requiring a public or private school or child care facility to accept a dental examination, screening or assessment provided through teledentistry for certain purposes;~~ imposing certain requirements relating to the provision of services through teledentistry; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term “provider of health care” as a person who practices certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 1** of this bill includes dental hygienists and dental therapists in the definition of “provider of health care,” thereby subjecting dental hygienists and dental therapists to those requirements.

Existing law defines the term “telehealth” to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 5** of this bill defines the term “teledentistry” to mean the use of telehealth by a dentist, dental hygienist or dental therapist to facilitate the diagnosis, treatment, education, care management and self-management of or consultation with a patient. **Sections 3, 4 and 6** of this bill define certain other terms related to teledentistry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 3-6** in the Nevada Revised Statutes.

Section 7 of this bill requires a person who provides services through teledentistry to a patient located in this State to be licensed in this State as a dentist, dental hygienist or dental therapist **, to have completed certain training** and to adhere to the applicable laws, regulations and standards of care to the same extent as when providing services in person. **Section 8** of this bill requires a dentist, dental hygienist or dental therapist who provides services through teledentistry **to patients in this State** to be insured against liabilities arising from dental services provided through teledentistry. **Section 9** of this bill authorizes the use of teledentistry for certain purposes relating to the provision of a diagnosis. **Section 10** of this bill requires a dentist, dental hygienist or dental therapist to establish a bona fide relationship with a patient, confirm certain facts about a patient and obtain informed consent before providing services through teledentistry. **Section 11** of this bill requires a dentist, dental hygienist or dental therapist to: (1) use communications technology that complies with certain federal requirements relating to the

privacy of information relating to patients when providing services through teledentistry; and (2) create a complete record of each encounter with a patient through teledentistry. **Section 12** of this bill imposes certain requirements to ensure that adequate, in-person care is available to a patient who receives services through teledentistry, if needed. **Section 13** of this bill requires the Board of Dental Examiners of Nevada to adopt regulations governing teledentistry.

Sections 21 ~~[, 22]~~ and 40 of this bill require an applicant for a license to practice dentistry, ~~for~~ dental therapy or ~~a special endorsement to practice public health~~ dental hygiene or the holder of such a license ~~for endorsement~~ **who intends to provide services through teledentistry** to complete certain training on teledentistry. **Section 22** of this bill makes a conforming change to revise a reference to the section of existing law amended by **section 21**. **Section 24** of this bill requires the Board to adopt regulations prescribing specific criteria for the accreditation of a course in teledentistry.

Section 14 of this bill prescribes certain requirements for the secure storage of electronic information concerning patients.

Section 25 of this bill provides that it is unprofessional conduct for which the Board is authorized to impose disciplinary action if a dentist, dental hygienist or dental therapist: (1) fails to actively involve a patient in decisions relating to his or her treatment; or (2) requires a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board.

Sections 30, 38 and 39 of this bill require hospitals and issuers of plans that provide coverage to recipients of Medicaid, including managed care plans, to take certain measures to improve the access of recipients of Medicaid to teledentistry. **Sections 31-37** of this bill make conforming changes to indicate the proper placement of **section 30** in the Nevada Revised Statutes and provide for the enforcement of the requirements of **section 30**. ~~[Sections 26-29 of this bill require a public school, private school or child care facility that requires a dental examination, screening or assessment of a child as a condition of admission to accept a dental examination, screening or assessment provided through teledentistry that meets certain criteria for that purpose. Existing law makes it a gross misdemeanor to violate certain provisions of law governing primary and secondary private schools. (NRS 394.610) Section 28 of this bill similarly makes it a gross misdemeanor for a private school to violate the requirement to accept a dental examination, screening or assessment provided through teledentistry as prescribed in section 27 of this bill.]~~ **Section 19.5 of this bill requires a dentist, dental therapist or dental hygienist performing an initial dental examination, screening or assessment on a minor to refer the minor or his or her parent or guardian to a dental home if appropriate.**

Existing law authorizes, in general, a dental hygienist or dental therapist to perform only the tasks authorized by a licensed dentist. (NRS 631.310, 631.3122) ~~[Sections]~~ **Section 15 (and 16)** of this bill ~~[require]~~ **requires** the Board to issue to a licensed dentist, dental hygienist or dental therapist a

special endorsement to administer immunizations ~~[generally or to administer intranasal immunizations for influenza]~~ only if the licensed dentist, dental hygienist or dental therapist completes a course of training in the administration of immunizations that is approved by the Board. **Section 24** prescribes the continuing education required to maintain such an endorsement.

Section 17 of this bill requires a dentist who holds a special endorsement to administer immunizations issued pursuant to **section 15** ~~for 16~~ and who administers immunizations, or under whose authorization a dental hygienist or dental therapist administers immunizations, to: (1) issue or obtain from certain persons a standing order for the administration of the immunizations; (2) establish certain policies and procedures relating to the administration of immunizations; and (3) comply with the instructions of the manufacturer of an immunization and certain federal guidelines for administering immunizations.

Section 18 of this bill requires a dentist, dental hygienist or dental therapist to: (1) provide certain information to the patient, obtain the informed written consent of the patient and review the medical history of the patient before administering an immunization; and (2) thereafter, act in conformance with the conclusions of a physician, physician assistant or advanced practice registered nurse regarding the advisability of administering an immunization to a patient.

Section 19 of this bill requires a dentist, dental hygienist or dental therapist who holds a special endorsement to administer immunizations to maintain certain records of the administration of immunizations. **Section 25** provides that it is unprofessional conduct, for which the Board is authorized to impose disciplinary action, for a dentist, dental hygienist or dental therapist to: (1) administer an immunization without the proper special endorsement; or (2) fail to comply with existing requirements to report certain information relating to immunizations. The Board would also be authorized under existing law to impose disciplinary action against a dentist, dental hygienist or dental therapist who willfully or repeatedly violates other provisions of this bill governing the administration of immunizations. (NRS 631.3485)

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. “Provider of health care” means:

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;
- (b) A physician assistant;
- (c) A dentist;
- (d) *A dental therapist;*
- (e) *A dental hygienist;*
- (f) A licensed nurse;

~~[(e)]~~ (g) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

~~{{f}}~~ (h) A dispensing optician;
~~{{g}}~~ (i) An optometrist;
~~{{h}}~~ (j) A speech-language pathologist;
~~{{i}}~~ (k) An audiologist;
~~{{j}}~~ (l) A practitioner of respiratory care;
~~{{k}}~~ (m) A licensed physical therapist;
~~{{l}}~~ (n) An occupational therapist;
~~{{m}}~~ (o) A podiatric physician;
~~{{n}}~~ (p) A licensed psychologist;
~~{{o}}~~ (q) A licensed marriage and family therapist;
~~{{p}}~~ (r) A licensed clinical professional counselor;
~~{{q}}~~ (s) A music therapist;
~~{{r}}~~ (t) A chiropractic physician;
~~{{s}}~~ (u) An athletic trainer;
~~{{t}}~~ (v) A perfusionist;
~~{{u}}~~ (w) A doctor of Oriental medicine in any form;
~~{{v}}~~ (x) A medical laboratory director or technician;
~~{{w}}~~ (y) A pharmacist;
~~{{x}}~~ (z) A licensed dietitian;
~~{{y}}~~ (aa) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
~~{{z}}~~ (bb) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;
~~{{aa}}~~ (cc) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;
~~{{bb}}~~ (dd) A behavior analyst, assistant behavior analyst or registered behavior technician; or
~~{{cc}}~~ (ee) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes ~~†~~

~~—(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and~~

~~—(b) A~~ a person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to ~~†19.†~~ **19.5**, inclusive, of this act.

Sec. 3. *“Distant site” has the meaning ascribed to it in NRS 629.515.*

Sec. 4. *“Originating site” has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *“Teledentistry” means the use of telehealth by a licensee described in subsection 1 of section 7 of this act who is located at a distant site to facilitate the diagnosis, treatment, education, care management and*

self-management of or consultation with a patient who is located at an originating site. The term includes, without limitation:

- 1. Real-time interactions between a patient at an originating site and a licensee at a distant site;*
- 2. The asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;*
- 3. Interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at an originating site; and*
- 4. Monitoring of a patient at an originating site by a licensee at a distant site.*

Sec. 6. “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 7. 1. A person shall not provide dental services through teledentistry to a patient who is located at an originating site in this State unless the person ~~is~~:

(a) Is licensed to practice dentistry, dental hygiene or dental therapy in this State ~~is~~; and

(b) Has complied with subsection 2 of NRS 631.220.

2. The provisions of this chapter and the regulations adopted thereto, including, without limitation, clinical requirements, ethical standards and requirements concerning the confidentiality of information concerning patients, apply to services provided through teledentistry to the same extent as if such services were provided in person or by other means.

3. A licensee who provides dental services through teledentistry, including, without limitation, providing consultation and recommendations for treatment, issuing a prescription, diagnosing, correcting the position of teeth and using orthodontic appliances, shall provide such services in accordance with the same standards of care and professional conduct as when providing those services in person or by other means.

4. A licensee shall not:

(a) Provide treatment for any condition based solely on the results of an online questionnaire; ~~or~~

(b) ~~Provide services through teledentistry, including, without limitation, conducting an oral examination, if, in the professional judgment of the licensee or according to the relevant standard of care, the services should be provided in person; or~~

~~—(c)—~~ Engage in activity that is outside his or her scope of practice while providing services through teledentistry.

5. Nothing in sections 7 to 13, inclusive, of this act prohibits an organization for dental care or an administrator of a health benefit plan that provides dental coverage from negotiating rates of reimbursement for services provided through teledentistry with a dentist, dental hygienist or dental therapist.

6. As used in this section:

(a) “Health benefit plan” has the meaning ascribed to it in NRS 695G.019.

(b) “Organization for dental care” has the meaning ascribed to it in NRS 695D.060.

Sec. 8. A licensee who provides dental services through teledentistry to patients located at an originating site in this State must ~~be covered by~~ possess and maintain a policy of professional liability insurance which insures the licensee against any liability arising from the provision of dental services ~~through teledentistry.~~

Sec. 9. 1. A licensee may:

(a) Use teledentistry to examine an existing patient for the purpose of providing a new diagnosis, or to examine a new patient if the examination is sufficient, in accordance with evidence-based standards of practice, to provide an informed diagnosis.

(b) Collaborate in real time through teledentistry with a person who is not licensed pursuant to this chapter, including, without limitation, a community health worker, ~~teacher,~~ provider of health care or student who is enrolled in a program of study in dentistry, dental therapy or dental hygiene, to provide diagnostic services or plan treatment for a dental emergency.

2. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 10. 1. Except as otherwise provided in this subsection, a licensee must establish a bona fide relationship, as defined by regulation of the Board, with a patient before providing services to the patient through teledentistry. A licensee may establish such a relationship through teledentistry ~~for~~ only for the purpose of emergent care or in connection with a public health program.

2. Before providing services to a patient through teledentistry, a licensee shall:

(a) Confirm the identity of the patient;

(b) If the patient is ~~an unemancipated~~ a minor ~~for~~ who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(c) Confirm that the patient is located in a jurisdiction where the licensee is licensed or otherwise authorized to practice and document the location of the patient in the record of the patient; ~~and~~

(d) Obtain ~~from the patient informed~~ :

(1) Informed verbal or written consent that meets the requirements of subsection 4 from a patient who is an adult or a minor authorized by law to provide consent; or

(2) Informed written consent that meets the requirements of subsection 4 from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and ~~document~~

(e) Document the informed consent provided pursuant to paragraph (d) in the record of the patient.

3. Before providing services through teledentistry and upon the request of a patient to whom services are provided through teledentistry, a licensee

or any partnership, corporation or other entity through which a licensee provides services shall make available to the patient proof of the identity of the licensee, the telephone number of the licensee, the address at which the licensee practices, the license number of the licensee and any other relevant information concerning the qualifications of the licensee.

4. Informed consent to the provision of services through teledentistry requires the patient or his or her parent or guardian, as applicable, to be informed of:

(a) The types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(b) The information prescribed by subsection 3 for each licensee who will provide services through teledentistry;

(c) Precautions that will be taken in the event of a technological failure or an emergency; and

(d) Any other information prescribed by regulation of the Board.

5. As used in this section:

(a) “Emergent care” means treatment of pain, infection or any other intraoral or perioral condition which presents immediate harm to the well-being of the patient and for which treatment cannot be postponed.

(b) “Public health program” means a program approved by the Board or any program administered by:

(1) The Department of Health and Human Services;

(2) A health district; or

(3) A school district.

Sec. 11. A licensee who provides services through teledentistry shall:

1. Use communications technology that complies with Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto; and

2. Create a complete record of each encounter with a patient through teledentistry and maintain such records in accordance with all applicable federal and state laws and regulations, including, without limitation:

(a) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto;

(b) NRS 629.051 to 629.069, inclusive;

(c) The regulations adopted pursuant to section 13 of this act; and

(d) Section 14 of this act.

Sec. 12. 1. A licensee who provides services through teledentistry must be adequately familiar with the nature and availability of dental care in the geographical area in which the patient is located to ensure that the patient receives appropriate care after the provision of the services.

2. If a licensee is not able to competently provide services through teledentistry, including, without limitation, because the licensee is unable to receive adequate information about the patient, the licensee must notify the patient of that fact and:

(a) Provide the services in person;

(b) Request any additional information necessary to competently provide the services through teledentistry; or

(c) Refer the patient to an appropriate licensee to receive the services in person.

3. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another provider of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Sec. 13. 1. The Board shall adopt regulations governing the provision of dental services through teledentistry. Those regulations must include, without limitation, requirements concerning:

(a) The issuance of a prescription through teledentistry;

(b) The maintenance of records concerning patients to whom services are provided through teledentistry and the protection of the privacy of such patients;

(c) The use of teledentistry for collaboration between:

(1) Licensees and the office of a physician, physician assistant or advanced practice registered nurse; and

(2) Licensees who practice in different specialty areas; and

(d) Interaction between licensees using teledentistry, including, without limitation:

(1) The supervision of a dental therapist who has not completed the hours of clinical practice set forth in NRS 631.3122 or of a dental hygienist by a dentist using teledentistry; and

(2) Interaction between different licensees who are providing care to the same patient.

2. The regulations adopted pursuant to subsection 1 may prescribe evidence-based standards of practice that must be used when providing services through teledentistry to ensure the safety of patients, the quality of care and positive outcomes.

Sec. 14. A licensee who electronically stores information concerning patients shall:

1. Store and share such information using a secure server; and

2. Ensure that any electronic device on which such information is stored or that may be used to access such information is encrypted and requires a password.

Sec. 15. 1. The Board shall, upon application by a dentist, dental hygienist or dental therapist licensed pursuant to this chapter who has completed a course of training in the administration of immunizations that is approved by the Board pursuant to subsection 2, issue a special endorsement of the license allowing the dentist, dental hygienist or dental therapist to administer immunizations.

2. The Board may approve a course of training in the administration of immunizations if the course:

(a) Provides participants with practical training and written instructional materials concerning the administration of immunizations;

(b) Includes an evaluation of the technique of participants in the administration of immunizations; and

(c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning:

(1) Practices for administering immunizations to children, adolescents and adults;

(2) Basic immunology and the mechanism by which immunizations induce protection from disease;

(3) Diseases that are preventable through immunizations;

(4) Storage and management of immunizations;

(5) Recommended schedules for immunization;

(6) Informed consent to immunization;

(7) Physiology and techniques for administering immunizations;

(8) Assessment and counseling before and after administering an immunization;

(9) Maintenance of records relating to immunizations; and

(10) Identifying, responding to and reporting adverse events resulting from immunizations.

3. A dentist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection.

4. A dental hygienist or dental therapist who holds a special endorsement issued pursuant to subsection 1 may administer immunizations by an intranasal, intramuscular or subcutaneous injection only under authorization from a dentist who also holds such a special endorsement.

Sec. 16. ~~[1. The Board shall, upon application by a dentist, dental hygienist or dental therapist licensed pursuant to this chapter who has completed a course of training in the administration of immunizations for influenza that is approved by the Board pursuant to subsection 2, issue a special endorsement of the license allowing the dentist, dental hygienist or dental therapist to administer intranasal immunizations for influenza only.~~

~~2. The Board may approve a course of training in the administration of immunizations for influenza if the course:~~

~~(a) Provides participants with practical training and written instructional materials concerning the administration of intranasal immunizations for influenza;~~

~~(b) Includes an evaluation of the technique of participants in the administration of such immunizations; and~~

~~(c) Includes instruction consistent with the guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services in:~~

~~(1) The epidemiology, pathophysiology, clinical presentation, diagnosis, prevention and treatment of influenza;~~

~~(2) The administration, storage and handling of immunizations for influenza; and~~

~~(3) Counseling persons who will receive an immunization for influenza.~~

~~3. A dentist who holds a special endorsement issued pursuant to subsection 1 may administer an immunization consisting exclusively of live attenuated influenza through the nasal passages of a person.~~

~~4. A dental hygienist or dental therapist who holds a special endorsement issued pursuant to subsection 1 may administer an immunization consisting exclusively of live attenuated influenza through the nasal passages of a person under authorization from a dentist who also holds a special endorsement issued pursuant to subsection 1 or section 15 of this act.~~ (Deleted by amendment.)

Sec. 17. 1. A dentist who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act and who administers immunizations or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers immunizations must:

(a) Issue or obtain from a dentist, physician, physician assistant or advanced practice registered nurse a standing order for the administration of the immunizations that is approved by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) Establish written policies and procedures for the handling and disposal of used or contaminated equipment; and

(c) Establish a written plan for addressing emergencies and ensure that the dentist, dental hygienist or dental therapist administering immunizations has immediate access to equipment that may be needed in an emergency, including, without limitation, equipment for administering oxygen and epinephrine and other equipment necessary to respond to an allergic reaction.

2. A dentist who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act and who administers an immunization or under whose authorization a dental hygienist or dental therapist who holds such an endorsement administers an immunization shall report any severe reaction to the immunization as required by any applicable regulations adopted by the State Board of Health.

3. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act shall comply with:

(a) The instructions for storing and handling an immunization prescribed by the manufacturer; and

(b) To the extent that such guidelines do not conflict with the instructions of the manufacturer, any applicable guidelines issued by the Advisory Committee on Immunization Practices of the Centers for Disease Control

and Prevention of the United States Department of Health and Human Services, including, without limitation, guidelines for storing, handling and administering immunizations, guidelines for documenting the administration of an immunization and contraindications and precautions for immunizations.

Sec. 18. 1. Before administering an immunization, a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act shall:

(a) Provide to the patient or, if the patient is ~~an unemancipated~~ a minor ~~and is not authorized by law to provide consent,~~ his or her parent or guardian, the most current Vaccine Information Statement prescribed for the immunization by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, require him or her to read the Vaccine Information Statement and answer any questions that he or she has concerning the information in the Vaccine Information Statement;

(b) Obtain the informed written consent of the patient, or, if the patient is ~~an unemancipated~~ a minor ~~and is not authorized by law to provide consent,~~ from the parent or guardian of the patient; and

(c) Review the medical history of the patient, including, without limitation, asking the patient or, if the patient is ~~an unemancipated~~ a minor ~~and is not authorized by law to provide consent,~~ the parent or guardian of the patient, to describe any medications or other treatments that the patient is currently receiving, allergies to drugs, medical conditions that the patient is currently experiencing, surgeries the patient had or plans to have, past pregnancy or plans to become pregnant and any previous adverse reactions to immunizations.

2. If a dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act requests a physician, physician assistant or advanced practice registered nurse to conduct an examination and evaluation of a patient to determine whether the patient has a medical condition that would make it inadvisable to administer an immunization, the dentist, dental hygienist or dental therapist must rely on and act in conformance with the conclusions of the physician, physician assistant or advanced practice registered nurse.

Sec. 19. 1. A dentist, dental hygienist or dental therapist who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act shall include in the record of each patient to whom he or she administers an immunization:

(a) The date on which the immunization was administered;

(b) The site at which the immunization was administered;

(c) The brand name of the immunization, the National Drug Code number assigned to the immunization by the United States Food and Drug Administration or the code number assigned to the immunization under another nationally recognized system of coding for immunizations;

(d) *The dose, manufacturer, lot number and expiration date of the immunization;*

(e) *The name or initials of the dentist, dental hygienist or dental therapist;*

(f) *Except as otherwise provided in subsection 2, the address of the location where the immunization was administered;*

(g) *The date on which the Vaccine Information Statement was provided to the patient pursuant to section 18 of this act and the date on which the Vaccine Information Statement was published; and*

(h) *A copy of the questions asked by the dentist, dental hygienist or dental therapist and the information provided by the patient or his or her parent or guardian, as applicable, as part of the review of the medical history of the patient conducted pursuant to section 18 of this act, which must be signed by the patient or, if the patient is ~~an unemancipated~~ a minor ~~[-]~~ and is not authorized by law to provide consent, his or her parent or guardian.*

2. *A dentist, dental hygienist or dental therapist is not required to include the information described in paragraph (f) of subsection 1 if that information is automatically included in a report made pursuant to NRS 439.265.*

3. *The records described in subsection 1 must be maintained in accordance with all applicable federal and state laws and regulations, including, without limitation:*

(a) *The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations adopted pursuant thereto; and*

(b) *NRS 629.051 to 629.069, inclusive, and any regulations adopted pursuant thereto.*

Sec. 19.5. 1. A dentist, dental therapist or dental hygienist that performs an initial dental examination, screening or assessment on a minor shall refer the minor or his or her parent or guardian to a dental home, which may include, without limitation, a virtual dental home, when appropriate.

2. As used in this section:

(a) “Dental home” means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family-centered manner by a dentist licensed in this State.

(b) “Virtual dental home” means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.

Sec. 20. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and sections 3 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 21. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

- (a) File an application with the Board.
- (b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.
- (c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.
- (d) If the applicant is required to take an examination pursuant to NRS 631.240, 631.300 or 631.3121, submit with the application proof satisfactory that the applicant passed the examination.

2. *In addition to satisfying the requirements of subsection 1, if an applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, intends to provide services through teledentistry, the applicant must submit to the Board proof that the applicant has completed:*

- (a) At least 2 hours of continuing education concerning teledentistry; or*
- (b) A course in teledentistry as part of the requirements for graduation from an accredited institution.*

3. An application must include all information required to complete the application.

~~{3-}~~ 4. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

- (a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.
- (b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 22. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection ~~{3-}~~ 4 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 23. ~~NRS 631.287 is hereby amended to read as follows:~~

~~631.287 1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the~~

dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.

~~2. An application submitted pursuant to subsection 1 must be accompanied by proof that the applicant has completed, pursuant to NRS 631.220:~~

~~(a) At least 2 hours of continuing education concerning teledentistry; or~~

~~(b) A course in teledentistry as part of the requirements for graduation from an accredited institution.~~

~~3. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board. (Deleted by amendment.)~~

Sec. 24. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, dental hygiene and dental therapy. The regulations must include:

(a) Except as provided in NRS 631.3425, the number of hours of credit required annually;

(b) The criteria used to accredit each course ~~{ }~~, **including, without limitation, specific criteria used to accredit a course in teledentistry;** and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

(c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional

courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. Each licensee must complete, as part of continuing education, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

6. *In addition to any other continuing education required pursuant to this section, a licensee who holds a special endorsement issued pursuant to section 15 ~~for 16~~ of this act must biennially complete:*

(a) At least 2 hours of continuing education concerning the life cycle of diseases, drugs and the administration of immunizations;

(b) A course offered by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services concerning the epidemiology and prevention of diseases that are preventable by immunization;

(c) A course of training in the administration of immunizations offered by Immunize Nevada or its successor organization or, if that organization ceases to exist, another organization prescribed by regulation of the Board; or

(d) Another course of instruction relating to immunizations that is approved by:

(1) The Board;

(2) The American Dental Association, or its successor organization, or the societies which are a part of it;

(3) The American Dental Hygienists' Association, or its successor organization, or the societies which are a part of it;

(4) The Academy of General Dentistry, or its successor organization;

(5) Any nationally recognized association of dental or medical specialists;

(6) Any university, college or community college located inside or outside this State; or

(7) Any hospital accredited by The Joint Commission.

7. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 25. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, dental hygienist or dental therapist constituting substandard care in the practice of dentistry, dental hygiene or dental therapy;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is cannabis being used for medical purposes in accordance with chapter 678C of NRS;

7. Having an alcohol or other substance use disorder to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.23535 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344;

14. ***Failure to actively involve a patient in decisions concerning his or her treatment;***

15. ***Requiring a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the Board;***

16. The performance or supervision of the performance of a pelvic examination in violation of NRS 629.085; ~~for~~

~~15.] 17. Administering an immunization if the dentist, dental hygienist or dental therapist does not hold a special endorsement issued pursuant to section 15 [or 16] of this act;~~

~~18. [Administering an immunization, other than an immunization consisting exclusively of live attenuated influenza through the nasal passages of a person authorized by section 16 of this act, if he or she holds a special endorsement issued pursuant to that section;~~

~~19.] Failure to comply with:~~

~~(a) The requirements of NRS 439.265; or~~

~~(b) Any requirement of section 17, 18 or 19 of this act; or~~

~~[20.] 19. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~(a) The license of the facility is suspended or revoked; or~~

~~(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.~~

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 26. ~~[Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A public school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:~~

~~(a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and~~

~~(b) The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.~~

~~2. As used in this section:~~

~~(a) "Dental home" means an entity that arranges for the provision of oral health care that is continuously available and delivered in a comprehensive, coordinated and family centered manner by a dentist licensed in this State.~~

~~(b) "Teledentistry" has the meaning ascribed to it in section 5 of this act.~~

~~(c) "Virtual dental home" means a dental home that uses teams of persons licensed pursuant to chapter 631 of NRS who are connected to the patient and each other through teledentistry to provide comprehensive oral health care in a community setting.] (Deleted by amendment.)~~

Sec. 27. ~~[Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A private school that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the school shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:~~

~~— (a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and~~

~~— (b) The person who conducted the dental examination, screening or assessment ensures that the pupil is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.~~

~~— 2. As used in this section:~~

~~— (a) “Dental home” has the meaning ascribed to it in section 26 of this act.~~

~~— (b) “Teledentistry” has the meaning ascribed to it in section 5 of this act.~~

~~— (c) “Virtual dental home” has the meaning ascribed to it in section 26 of this act.} (Deleted by amendment.)~~

Sec. 28. [NRS 394.610 is hereby amended to read as follows:

~~— 394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.560, inclusive, and section 27 of this act is guilty of a gross misdemeanor. Each day’s failure to comply with the provisions of these sections is a separate offense.] (Deleted by amendment.)~~

Sec. 29. [Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

~~— 1. A child care facility that requires a child to receive a dental examination, screening or assessment as a condition of admitting the child to the facility shall accept a dental examination, screening or assessment provided through teledentistry to satisfy that requirement if:~~

~~— (a) The dental examination, screening or assessment is conducted in a manner that ensures the identification of any definitive dental or oral lesions; and~~

~~— (b) The person who conducted the dental examination, screening or assessment ensures that the child is referred to a dental home, which may include, without limitation, a virtual dental home, when appropriate.~~

~~— 2. As used in this section:~~

~~— (a) “Dental home” has the meaning ascribed to it in section 26 of this act.~~

~~— (b) “Teledentistry” has the meaning ascribed to it in section 5 of this act.~~

~~— (c) “Virtual dental home” has the meaning ascribed to it in section 26 of this act.} (Deleted by amendment.)~~

Sec. 30. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

If a recipient of Medicaid presents in the emergency department of a hospital in this State with a nontraumatic dental injury, the hospital must notify the patient of providers of dental services included in the network of each health maintenance organization or managed care organization that provides services through teledentistry to recipients of Medicaid. The hospital shall provide such notice by:

1. Posting signs on the premises of the hospital that include the list of providers who offer services through teledentistry submitted to the hospital

pursuant to NRS 695C.1708 or 695G.162, as applicable, or which direct patients to an Internet website on which such lists are available; or

2. Making available to patients a pamphlet or other written document that includes the list of providers who offer services through teledentistry submitted to the hospital pursuant to NRS 695C.1708 or 695G.162, as applicable, or which directs patients to an Internet website on which those lists are available.

Sec. 31. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 30 of this act*, unless the context otherwise requires, “medical facility” has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 32. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 33. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, *and section 30 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment

facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 34. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, **and section 30 of this act** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, **and section 30 of this act** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, **and section 30 of this act** and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 35. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 30 of this act** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, **and section 30 of this act** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, **and section 30 of this act**, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 36. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.029 to 449.2428, inclusive ~~[-]~~, **and section 30 of this act**:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 37. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~[-]~~, **and section 30 of this act**.

Sec. 38. NRS 695C.1708 is hereby amended to read as follows:

695C.1708 1. A health care plan of a health maintenance organization must include coverage for services provided to an enrollee through telehealth to the same extent as though provided in person or by other means.

2. A health maintenance organization shall not:

(a) Require an enrollee to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an enrollee through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an enrollee receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a health maintenance organization must not require an enrollee to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A health maintenance organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.*

5. *A health maintenance organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:*

(a) Maintain a list of providers of dental services included in the network of the health maintenance organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) *Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.*

6. The provisions of this section do not require a health maintenance organization to:

(a) Ensure that covered services are available to an enrollee through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the health maintenance organization is not otherwise required by law to do so.

~~{5-}~~ 7. Evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{6-}~~ 8. As used in this section:

(a) “Distant site” has the meaning ascribed to it in NRS 629.515.

(b) “Originating site” has the meaning ascribed to it in NRS 629.515.

(c) “Provider of health care” has the meaning ascribed to it in NRS 439.820.

(d) ***“Teledentistry” has the meaning ascribed to it in section 5 of this act.***

(e) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 39. NRS 695G.162 is hereby amended to read as follows:

695G.162 1. A health care plan issued by a managed care organization for group coverage must include coverage for services provided to an insured through telehealth to the same extent as though provided in person or by other means.

2. A managed care organization shall not:

(a) Require an insured to establish a relationship in person with a provider of health care or provide any additional consent to or reason for obtaining services through telehealth as a condition to providing the coverage described in subsection 1;

(b) Require a provider of health care to demonstrate that it is necessary to provide services to an insured through telehealth or receive any additional type of certification or license to provide services through telehealth as a condition to providing the coverage described in subsection 1;

(c) Refuse to provide the coverage described in subsection 1 because of:

(1) The distant site from which a provider of health care provides services through telehealth or the originating site at which an insured receives services through telehealth; or

(2) The technology used to provide the services;

(d) Require covered services to be provided through telehealth as a condition to providing coverage for such services; or

(e) Categorize a service provided through telehealth differently for purposes relating to coverage than if the service had been provided in person or through other means.

3. A health care plan of a managed care organization must not require an insured to obtain prior authorization for any service provided through telehealth that is not required for the service when provided in person. Such a health care plan may require prior authorization for a service provided through telehealth if such prior authorization would be required if the service were provided in person or by other means.

4. *A managed care organization that provides medical services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall provide referrals to providers of dental services who provide services through teledentistry.*

5. *A managed care organization that provides dental services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services shall:*

(a) Maintain a list of providers of dental services included in the network of the managed care organization who offer services through teledentistry;

(b) At least quarterly, update the list and submit a copy of the updated list to the emergency department of each hospital located in this State; and

(c) Allow such providers of dental services to include on claim forms codes for teledentistry services provided through both real-time interactions and asynchronous transmissions of medical and dental information.

6. The provisions of this section do not require a managed care organization to:

(a) Ensure that covered services are available to an insured through telehealth at a particular originating site;

(b) Provide coverage for a service that is not a covered service or that is not provided by a covered provider of health care; or

(c) Enter into a contract with any provider of health care or cover any service if the managed care organization is not otherwise required by law to do so.

~~{5-}~~ 7. Evidence of coverage that is delivered, issued for delivery or renewed on or after October 1, 2021, has the legal effect of including the coverage required by this section, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{6-}~~ 8. As used in this section:

(a) "Distant site" has the meaning ascribed to it in NRS 629.515.

(b) "Originating site" has the meaning ascribed to it in NRS 629.515.

(c) "Provider of health care" has the meaning ascribed to it in NRS 439.820.

(d) *"Teledentistry" has the meaning ascribed to it in section 5 of this act.*

(e) “Telehealth” has the meaning ascribed to it in NRS 629.515.

Sec. 40. 1. Each person who, on January 1, 2024, holds ~~fa license to practice dental hygiene with a special endorsement to practice public health dental hygiene issued pursuant to NRS 631.287 or~~ a license to practice dentistry, **dental hygiene** or dental therapy issued pursuant to chapter 631 of NRS **and intends to provide services through teledentistry** shall submit to the Board of Dental Examiners of Nevada with the next application to renew that license after that date proof that the licensee has completed:

(a) At least 2 hours of continuing education concerning teledentistry; or
(b) A course in teledentistry as part of the requirements for graduation from an institution accredited by the Commission on Dental Accreditation of the American Dental Association, or its successor entity.

2. **The provisions of paragraph (b) of subsection 1 of section 7 of this act do not apply to a person described in subsection 1 until:**

(a) The next renewal of the license of the person to practice dentistry, dental hygiene or dental therapy on or after January 1, 2024; or

(b) The denial of the next application to renew the license of the person to practice dentistry, dental hygiene or dental therapy submitted on or after January 1, 2024.

3. As used in this section, “teledentistry” has the meaning ascribed to it in section 5 of this act.

Sec. 41. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 40, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 159.

Bill read second time and ordered to third reading.

Assembly Bill No. 208.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 127.

AN ACT relating to Medicaid; establishing a program to provide structured family caregiving to certain recipients of Medicaid; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Federal law authorizes a state to apply for a waiver that allows the state to receive financial contributions from the Federal Government toward the cost of providing certain home and community-based services for recipients of Medicaid who are elderly or disabled. (42 U.S.C. § 1396n(c)) Existing law requires the Department of Health and Human Services to apply for such a waiver covering certain home and community-based services for recipients of Medicaid with physical disabilities. (NRS 422.396)

Section 1 of this bill requires the Department to apply to the United States Secretary of Health and Human Services ~~(to amend the)~~ for a home and community-based services waiver to include structured family caregiving for recipients of Medicaid suffering from dementia. **Section 1** requires that the Department include in its application ~~(to amend)~~ for the waiver: (1) an authorization for ~~(the)~~ an applicant for or a recipient of Medicaid to choose his or her caregiver and the residence where the recipient will receive the structured family caregiving; and (2) a requirement that the caregiver be or become an employee of an agency to provide personal care services in the home or an intermediary service organization and receive a daily stipend through that employer. **Section 1** also requires a caregiver to receive certain training. **Section 2** of this bill makes a conforming change to indicate that **section 1** will be administered in the same manner as other provisions of existing law governing ~~(the State Plan for)~~ Medicaid.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services ~~(to amend the)~~ for a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n(c). The waiver must ~~(be amended to)~~ authorize the Department to include structured family caregiving for persons suffering from dementia as medical assistance under Medicaid.

2. The ~~(amendment)~~ waiver must:

(a) Authorize an applicant for or a recipient of Medicaid suffering from dementia to choose any:

(1) Person, including, without limitation, a spouse or a person who is legally responsible for the recipient, to serve as his or her caregiver; and

(2) Appropriate residence in which to receive structured family caregiving;

(b) Require ~~(the)~~ a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a) , including, without limitation, a caregiver chosen by an applicant whose application is approved, to be or become an employee of an agency to provide personal care services in the home or an intermediary service organization;

(c) *Establish a per diem rate to be paid to an agency to provide personal care services in the home or an intermediary service organization that employs a caregiver pursuant to paragraph (b);*

(d) *Require an agency to provide personal care services in the home or intermediary service organization that employs a caregiver pursuant to paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent of the per diem rate paid to the agency to provide personal care services in the home or intermediary service organization; and*

(e) *Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a) including, without limitation, a caregiver chosen by an applicant whose application is approved, to complete any training the Aging and Disability Services Division of the Department determines to be necessary for the caregiver to provide adequate care to the recipient.*

3. *The Department shall:*

(a) *Cooperate with the Federal Government in ~~amending the~~ obtaining a waiver pursuant to this section;*

(b) *If the Federal Government approves the ~~amendment to the~~ waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for an applicant for or a recipient of Medicaid suffering from dementia to receive structured family caregiving pursuant to this section; and*

(c) *Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.*

4. *As used in this section:*

(a) *“Agency to provide personal care services in the home” has the meaning ascribed to it in NRS 449.0021.*

(b) *“Intermediary service organization” has the meaning ascribed to it in NRS 449.4304.*

(c) *“Structured family caregiving” means the provision of services to a person who resides in the same residence as the caregiver on a full-time basis. The services provided may include, without limitation:*

(1) *Case management services;*

(2) *Personal care services;*

(3) *Personal assistance;*

(4) *Homemaker services; and*

(5) *Health-related services, including, without limitation, home health aide services.*

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 1 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, ~~2024,~~ **2025**, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 143.

AN ACT relating to motor vehicles; authorizing, under certain circumstances, a dealer and purchaser to enter into a written return agreement to cancel a vehicle sale; revising provisions relating to the registration of certain vehicles when the certificate of title is lost, unlawfully detained or otherwise not available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that whenever application is made to the Department of Motor Vehicles for registration of a motor vehicle of which the ownership has been transferred, the person transferring the vehicle is authorized to designate the person receiving the vehicle to provide the information required by the Department relating to odometer disclosures if the: (1) certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and (2) model year is 9 years old or newer. (NRS 482.415) **Section 4** of this bill provides instead that this process applies to the registration of a motor vehicle of which the model year is 2011 or newer and the vehicle is less than 20 years old.

Section 1 of this bill authorizes ~~to enter into a written return agreement to cancel the sale. Upon entering into such a written agreement, the sale is cancelled. and the~~ a dealer licensed in this State and the purchaser of a vehicle to enter into a written return agreement to cancel the sale. Upon entering into such a written agreement, the sale is cancelled. The dealer is required, within 15 days, to return to the purchaser or secured party, as applicable, all money, taxes and fees that were collected by the dealer at the time of the sale. Section 1 provides that if such a written agreement is entered into, the dealer may, within 15 days after the cancellation, submit a request an application to (1) the Department of Motor Vehicles for a certificate of title. and (2) the Department of Taxation for a refund of the taxes collected by the dealer at the time of the sale. **Section 1** further requires ~~the Department of Motor Vehicles to issue a certificate of title not later than 7 days after receiving~~ , under certain circumstances, the Department of

such ~~for a request for a certificate of title; and (2) the Department of Taxation to issue a refund of such taxes not later than 30 days after receiving a request for a refund.~~ **an application.** Finally, **section 1:** (1) prohibits **, under certain circumstances,** a dealer from selling in this State the vehicle that is the subject of such a cancellation of sale until the dealer receives the certificate of title from the Department of Motor Vehicles; (2) requires a dealer to retain the written **return** agreement to cancel a vehicle sale with the sales records for the transaction; and (3) provides that the cancellation of a sale pursuant to **section 1** does not negate the fact that the vehicle has been the subject of a previous retail sale.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill creates an exception to the general requirement that an existing certificate of title be endorsed by the transferor and transferee when an ownership interest in the vehicle is transferred. (NRS 482.400)

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Not later than 30 days after a vehicle is sold in this State by a dealer, the~~ **Notwithstanding any other provision of law, a dealer licensed in this State and the purchaser of ~~the~~ a vehicle may enter into a written return agreement to cancel the sale ~~for~~ of the vehicle. Upon entering into such an agreement, the sale is cancelled and the dealer shall , not later than 15 days after the sale is cancelled, return to the purchaser or secured party, as applicable, all of the money, taxes and fees that were collected by the dealer at the time of sale.**

2. **If a dealer and purchaser enter into a written return agreement to cancel the sale of a vehicle pursuant to subsection 1, the dealer may ~~for~~ within 15 days after the cancellation, submit ~~for~~ ~~(a) A request~~ an application for a certificate of title to the Department of Motor Vehicles. Any such ~~request~~ application for a certificate of title must be in the form prescribed by the Department of Motor Vehicles , may request the expedited processing of the application and must include, without limitation:**

~~[(1)]~~ **(a) A copy of the written return agreement described in subsection 1;**

~~[(2)]~~ **(b) The fees required for the issuance of a certificate of title pursuant to NRS 482.429;**

~~[(3)]~~ **(c) If the Department has already issued a certificate of title for the vehicle in relation to the sale:**

~~[(4)]~~ **(1) The certificate of title that the Department issued to the purchaser; or**

~~[(H)]~~ (2) An affidavit certifying that the certificate of title issued to the purchaser by the Department ~~has been lost or destroyed,~~ is unavailable and needs to be cancelled by the Department; and

~~[(4)]~~ (d) If the Department of Motor Vehicles has not issued a certificate of title for the vehicle in relation to the sale, the certificate of title upon which the title transfer to the purchaser was made.

~~[(b)]~~ A request for a refund of the taxes collected by the dealer at the time of the sale to the Department of Taxation. A request for a refund submitted to the Department of Taxation pursuant to this section must be in the form prescribed by the Department of Taxation and include, without limitation, a copy of the written return agreement to cancel the sale described in subsection 1.

3. ~~[Not]~~ Except as otherwise provided in subsection 8, if an application for a certificate of title requests the expedited processing of the application, not later than ~~7~~

~~—(a) Seven~~ 7 days after receiving ~~a request for a certificate of title pursuant to paragraph (a) of subsection 2,~~ the application, the Department of Motor Vehicles shall issue the certificate of title to the dealer that sets forth:

~~[(1)]~~ (a) The dealer as the owner of the vehicle; and

~~[(2)]~~ (b) An odometer reading, as recorded at the time of the sale.

~~[(b)]~~ Thirty days after receiving a request for a refund pursuant to paragraph (b) of subsection 2, the Department of Taxation shall issue a refund of all the taxes paid in relation to the sale.

4. Except as otherwise provided in subsection 8, if an application for a certificate of title submitted pursuant to subsection 2 does not request the expedited processing of the application, the Department of Motor Vehicles shall at its standard processing time, issue the certificate of title to the dealer that sets forth:

(a) The dealer as the owner of the vehicle; and

(b) An odometer reading, as recorded at the time of the sale.

5. A dealer shall not sell in this State a vehicle that is the subject of a cancellation of sale pursuant to this section if the dealer has submitted an application for a certificate of title pursuant to subsection 2 until the dealer receives the certificate of title from the Department of Motor Vehicles.

~~[(5)]~~ 6. A dealer must retain a written return agreement to cancel the sale of a vehicle entered into pursuant to subsection 1 with the sales records related to the sale between the dealer and purchaser.

~~[(6)]~~ 7. The cancellation of the sale of a vehicle pursuant to a written return agreement entered into pursuant to subsection 1 does not negate the fact that the vehicle has been the subject of a previous retail sale.

8. Nothing in this section shall be construed to prohibit the Department of Motor Vehicles from reviewing an application for a certificate of title submitted pursuant to subsection 2 for the accuracy and completeness of any

information contained therein, or conduct any necessary investigations before issuing a certificate of title.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, **and section 1 of this act**, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, **and section 1 of this act**, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred

may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

- (a) Procedures for electronic submissions pursuant to this section; and
- (b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

- (1) Does not take an ownership interest in the vehicle;
- (2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and
- (3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, “wholesale vehicle auctioneer” means a dealer who:

- (a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and
- (b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 4. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant’s vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

- (a) Ownership has been transferred;
- (b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and
- (c) Model year is ~~[9 years old]~~ **2011** or newer ~~[.]~~ **and the motor vehicle is less than 20 years old,**

↪ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

- (a) Produced in a manner that ensures that the form may not be easily counterfeited; and
- (b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time and ordered to third reading.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 93.

AN ACT relating to State Government; creating the Nevada Medal of Distinction and the Nevada Awards and Honors Board; setting forth the process for awarding the Nevada Medal of Distinction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Nevada Medal of Distinction, which must be awarded each year to: (1) one person who is living and has made a significant and lasting contribution to the State of Nevada; and (2) one person who is deceased and during his or her lifetime made a significant and lasting contribution to the State of Nevada.

Section 4 of this bill creates the Nevada Awards and Honors Board, to be composed of five members who are residents of this State and appointed by the Governor. The Board is required to: (1) establish a suitable design for the Nevada Medal of Distinction; (2) establish the requirements for determining whether a person is a Nevada resident or otherwise has a sufficient connection to this State and has made a significant and lasting contribution to the State; (3) procure the manufacture of the Medal; and (4) take any other action necessary to carry out the provisions of **sections 3-6** of this bill.

Section 5 of this bill requires, on or before January 1 of each year, a selection committee to be established, consisting , with certain exceptions, of nine members as follows: (1) three members appointed by the Governor; (2) two members appointed by the Majority Leader of the Senate; (3) two members appointed by the Speaker of the Assembly; and (4) two members appointed by the Chief Justice of the Nevada Supreme Court. **If the Governor, Majority Leader of the Senate and Speaker of the Assembly are all members of the same political party, section 5 provides that the selection committee must consist of: (1) three members appointed by the Governor; (2) one member appointed by the Majority Leader of the Senate; (3) one member appointed by the Minority Leader of the Senate; (4) one member appointed by the Speaker of the Assembly; (5) one member appointed by the Minority Leader of the Assembly; and (6) two members appointed by the Chief Justice of the Nevada Supreme Court.** **Section 5** also requires each member of the selection committee to submit to the Board the nomination of one person who is living and one person who is deceased to receive the Nevada Medal of Distinction for that year.

Sections 5 and 7 of this bill exempt meetings of the selection committee from the Open Meeting Law. (Chapter 241 of NRS)

Section 6 of this bill requires the Board to hold a ceremony to announce the recipients of the Nevada Medal of Distinction for that year, which must be held in: (1) Carson City during each odd-numbered year on a date in which the Legislature is in regular session; and (2) ~~the City of Las Vegas~~ **Clark County** during each even-numbered year. **Section 6** further requires the selection committee to meet and select the recipients of the Nevada Medal of Distinction for that year ~~two~~ **not more than 7 calendar** days before the ceremony.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, “Board” means the Nevada Awards and Honors Board created by section 4 of this act.*

Sec. 3. 1. *There is hereby created an award to be known as the Nevada Medal of Distinction.*

2. *Each year the Nevada Medal of Distinction must be awarded to:*

(a) One person who is living and has made a significant and lasting contribution to the State of Nevada; and

(b) One person who is deceased and during his or her lifetime made a significant and lasting contribution to the State of Nevada.

3. *The Nevada Medal of Distinction may not be awarded to a person more than once ~~for~~ or to an elected officer during his or her term.*

Sec. 4. 1. *There is hereby created the Nevada Awards and Honors Board.*

2. *The Board shall be composed of five members who are residents of the State, appointed by the Governor. The members of the Board serve for terms of 3 years and may be reappointed.*

3. *The Board shall:*

(a) Establish a suitable design for the Nevada Medal of Distinction such as a ribbon, badge or other insignia;

(b) Establish the requirements for determining whether a person ~~has~~ :

(1) Has made a significant and lasting contribution to the State; and

(2) Is a Nevada resident or otherwise has a sufficient connection to this State;

(c) Procure the manufacture of the Nevada Medal of Distinction; and

(d) Take any other action necessary to carry out the requirements of sections 2 to 6, inclusive, of this act.

4. *The Office of the Governor shall provide administrative support to the Board.*

5. The Board may apply for and accept grants, gifts, donations, bequests or devises on behalf of the Board which must be used to carry out the functions of the Board.

Sec. 5. 1. ~~{On}~~ Except as otherwise provided in subsection 2, on or before January 1 of each year, there must be established a selection committee of nine members as follows:

- (a) Three members appointed by the Governor;
- (b) Two members appointed by the Majority Leader of the Senate;
- (c) Two members appointed by the Speaker of the Assembly; and
- (d) Two members appointed by the Chief Justice of the Supreme Court of Nevada.

2. If the Governor, Majority Leader of the Senate and Speaker of the Assembly are all members of the same political party, the selection committee established pursuant to subsection 1 must be comprised of nine members as follows:

- (a) Three members appointed by the Governor;
- (b) One member appointed by the Majority Leader of the Senate;
- (c) One member appointed by the Minority Leader of the Senate;
- (d) One member appointed by the Speaker of the Assembly;
- (e) One member appointed by the Minority Leader of the Assembly; and
- (f) Two members appointed by the Chief Justice of the Supreme Court of Nevada.

3. The membership of the selection committee must be posted on the Internet website of the Office of the Governor.

~~{3-}~~ 4. On or before the deadline established by the Board, each member of the selection committee shall submit to the Board the nomination of one person who is living and one person who is deceased to receive the Nevada Medal of ~~Honor~~ Distinction for that year. The Board must post the nominations that are received from each member of the selection committee on the Internet website of the Governor.

5. The selection committee may conduct a meeting in person, by means of a remote technology system or any combination of members attending in person or by means of a remote technology system. The meetings of the selection committee are not subject to chapter 241 of NRS.

6. As used in this section, "remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in any meeting even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

Sec. 6. 1. The Board shall hold a ceremony to announce the recipients of the Nevada Medal of Distinction for that year. The ceremony must be held:

- (a) In Carson City during each odd-numbered year on a date in which the Legislature is in regular session.

(b) ~~In the City of Las Vegas~~ Clark County during each even-numbered year.

2. ~~Two~~ Not more than 7 calendar days before the date on which the ceremony is held, the selection committee must meet and select the recipients of the Nevada Medal of Distinction for that year, one of whom must be living and one of whom must be deceased.

Sec. 7. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, and section 5 of this act, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 130.

~~[ASSEMBLYWOMAN]~~ ASSEMBLYMEN BILBRAY-AXELROD ; GRAY, TAYLOR
AND THOMAS

AN ACT relating to health care; authorizing a hospital to enter into an agreement with the Armed Forces of the United States for the provision of care by a person who is not licensed to provide care under certain circumstances; exempting certain federal employees who provide care within the scope of their official duties from requirements governing the licensure and regulation of certain health professionals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a hospital in this State to enter into an agreement with the Armed Forces of the United States to authorize a medical officer to provide medical care in the hospital if: (1) the medical officer holds a valid license in the District of Columbia or any state or territory of the United States; and (2) the medical care is provided as part of a training or educational program for the medical officer. (NRS 449.2455) **Section 2** of this bill additionally authorizes a hospital to enter into an agreement with the Armed Forces of the United States to authorize an unlicensed person who provides care under authority granted by the Federal Government to provide such care in the hospital: (1) in his or her official capacity; (2) within the scope of practice authorized by the Federal Government; and (3) as part of a training or educational program. **Sections 1 and 2** of this bill additionally authorize a hospital to enter into an agreement with the Armed Forces of the United States to authorize a surgical technologist who does not meet the requirements to practice surgical technology in this State to practice surgical technology in the hospital under similar circumstances. **Sections 3-7** of this bill exempt a person who provides care as part of his or her official duties as a federal employee, including a person providing care in a hospital under an agreement with the Armed Forces of the United States pursuant to **section 2**, from provisions governing the licensure and regulation of certain health professionals in this State.

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

Section 1. NRS 449.24185 is hereby amended to read as follows:

449.24185 Except as otherwise provided in this section and NRS 449.0301, ~~and~~ 449.24195 ~~;~~ **and 449.2455:**

1. A health care facility may not employ or otherwise allow a person to engage in the practice of surgical technology at the health care facility unless the person has:

(a) Successfully completed a program for surgical technologists that is accredited by a national accrediting organization and is certified as a Certified Surgical Technologist by the National Board of Surgical Technology and Surgical Assisting or a successor organization;

(b) Successfully completed a training program for surgical technologists administered by the United States Public Health Service, Army, Navy, Air Force, Marine Corps or Coast Guard; or

(c) Engaged in the practice of surgical technology in a health care facility before January 1, 2018.

2. A health care facility may employ or otherwise allow a person who has successfully completed a program for surgical technologists that is accredited by a national accrediting organization but who is not certified as a Certified Surgical Technologist pursuant to paragraph (a) of subsection 1 to engage in the practice of surgical technology at the health care facility for 180 days after the date on which the person successfully completed the program.

3. A health care facility may employ a person who does not possess the qualifications prescribed by subsection 1 to engage in the practice of surgical technology at the health care facility if, after conducting a thorough and diligent search, the health care facility is unable to employ a sufficient number of surgical technologists who possess such qualifications. A health care facility may continue to employ such a person after the health care facility determines it is able to employ a sufficient number of surgical technologists who possess such qualifications.

Sec. 2. NRS 449.2455 is hereby amended to read as follows:

449.2455 1. A hospital may enter into an agreement with the Armed Forces of the United States to authorize ~~[(a)]~~ :

(a) A medical officer to provide medical care in the hospital if:

~~[(a)]~~ *(1)* The medical officer holds a valid license in good standing to provide such medical care in the District of Columbia or any state or territory of the United States;

~~[(b)]~~ *(2)* The medical care is provided as part of a training or educational program designed to further the employment of the medical officer; and

~~[(c)]~~ *(3)* The agreement complies with the provisions of 10 U.S.C. § 1094 and any regulations or guidelines adopted pursuant thereto.

(b) An unlicensed federal medical provider to provide care for which a license, certificate or registration is otherwise required pursuant to chapter 630, 631, 632, 633, 635, 639, 640, 652 or 653 of NRS at the hospital:

(1) In his or her official capacity and within the scope of practice authorized by the Federal Government; and

(2) As part of a training or educational program.

(c) A federal surgical technologist who does not meet the requirements of NRS 449.24185 to engage in the practice of surgical technology at the hospital:

(1) In his or her official capacity and within the scope of practice authorized by the Federal Government; and

(2) As part of a training or educational program.

2. As used in this section ~~[(“medical”]~~ :

(a) *“Federal surgical technologist” means a surgical technologist who engages in the practice of surgical technology pursuant to authority granted by the Federal Government.*

(b) *“Medical officer” includes any physician, nurse, dentist or other health care professional who is employed by the Armed Forces of the United States or a reserve component thereof.*

(c) *“Practice of surgical technology” has the meaning ascribed to it in NRS 449.2417.*

(d) *“Surgical technologist” has the meaning ascribed to it in NRS 449.24175.*

(e) *“Unlicensed federal medical provider” means a pharmaceutical technician who is not registered pursuant to chapter 639 of NRS and provides care pursuant to authority granted by the Federal Government or a person who does not hold a license or certificate issued pursuant to chapter 630, 631, 632, 633, 635, 640, 652 or 653 of NRS and provides care pursuant to such authority. The term:*

(1) Includes, without limitation, a person who does not hold any license or certificate issued by a licensing authority in the District of Columbia or any state or territory of the United States.

(2) Does not include a health-care professional, as defined in 10 U.S.C. § 1094.

Sec. 3. NRS 632.316 is hereby amended to read as follows:

632.316 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of ~~[any legally qualified nurse of another state]~~ **nursing by any person** who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties

in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. A natural person from providing community-based living arrangement services if:

(a) That person has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a license pursuant to chapter 449 of NRS and the regulations adopted pursuant thereto.

➡ As used in this subsection, “community-based living arrangement services” has the meaning ascribed to it in NRS 449.0026.

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

➡ As used in this subsection, “supported living arrangement services” has the meaning ascribed to it in NRS 435.3315.

Sec. 4. NRS 639.018 is hereby amended to read as follows:

639.018 1. The provisions of this chapter and any regulations adopted pursuant thereto do not apply to ~~the~~ :

(a) A veterinary biologic product that is:

~~the~~ (1) Licensed for production under a product license; and

~~the~~ (2) Directly marketed by a manufacturing facility holding an establishment license for administration to livestock.

(b) *A pharmaceutical technician of the Armed Forces of the United States or a pharmaceutical technician of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.*

2. As used in this section:

(a) “Establishment license” means a U. S. Veterinary Biologics Establishment License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(b) “Livestock” has the meaning ascribed to it in subsections 1 and 3 to 6, inclusive, of NRS 571.022.

(c) “Product license” means a U. S. Veterinary Biological Product License issued by the Administrator of the Animal and Plant Health Inspection Service of the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 to 159, inclusive, and any amendments to or replacements of the Act, and any regulations adopted pursuant to the Act.

(d) “Veterinary biologic product” has the meaning ascribed to “biological product” in 9 C.F.R. § 101.2.

Sec. 5. NRS 640.029 is hereby amended to read as follows:

640.029 1. This chapter does not apply to:

(a) A provider of health care who:

(1) Is licensed to practice in this state;

(2) Practices within the scope of that license; and

(3) Does not use any letters, words or insignia listed in NRS 640.170 or 640.175 in connection with his or her name or otherwise represent that he or she is a physical therapist or physical therapist assistant, or that he or she practices physical therapy; ~~for~~

(b) A physical therapist who is temporarily exempt from licensure pursuant to NRS 640.135 and is practicing physical therapy within the scope of the exemption ~~for~~; or

(c) A physical therapist, physical therapist assistant or physical therapist technician of the Armed Forces of the United States or a physical therapist, physical therapist assistant or physical therapist technician of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

2. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.

Sec. 6. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of this chapter do not apply to a laboratory director or laboratory personnel of the Armed Forces of the United States or a laboratory director or laboratory personnel of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

Sec. 7. NRS 653.430 is hereby amended to read as follows:

653.430 The provisions of this chapter do not apply to:

1. A physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS.

2. A dentist, dental hygienist or dental therapist licensed pursuant to chapter 631 of NRS or a dental assistant working within the scope of his or her employment under the direct supervision of a dentist.

3. A chiropractic physician or chiropractic assistant licensed pursuant to chapter 634 of NRS.

4. A person training to become a chiropractic assistant or a student practicing in the preceptor program established by the Chiropractic Physicians' Board of Nevada pursuant to NRS 634.1375.

5. A podiatric physician or podiatry hygienist licensed pursuant to chapter 635 of NRS, or a person training to be a podiatry hygienist.

6. A veterinarian or veterinary technician licensed pursuant to chapter 638 of NRS or any other person performing tasks under the supervision of a veterinarian or veterinary technician as authorized by regulation of the Nevada State Board of Veterinary Medical Examiners.

7. The performance of mammography in accordance with NRS 457.182 to 457.187, inclusive.

8. *Any employee of the Armed Forces of the United States or any division or department of the United States who engages in radiologic imaging or radiation therapy in the discharge of his or her official duties, including, without limitation, while providing care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.*

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 202.

AN ACT relating to wildlife; **revising provisions governing the Wildlife Account in the State General Fund;** establishing the Nevada Wildlife Conservation Program and Nevada Wildlife Conservation Program Account to support the preservation, protection, management and restoration of wildlife and wildlife habitats; creating the Board of the Nevada Wildlife Conservation Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife, which administers the wildlife laws of this State. (NRS 501.331) **Section 3** of this bill establishes the Nevada Wildlife Conservation Program to support the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3: (1) requires the Department to administer the Program; and (2) authorizes the Department to contract with the Community Foundation of Northern Nevada to assist with the administration of the Program. **Section 3** also creates the Nevada Wildlife Conservation Program Account in the State General Fund and requires that the money in the Account be used: (1) to provide matching money required as a condition of federal grants; or (2) for the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3 further provides that, upon request, the personal identifying information of a person who donates to the Account must be kept confidential. **Section 5** of this bill makes a conforming change to account for the confidentiality of personal identifying information of certain people who make a donation to the Program.

Section 4 of this bill establishes the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by **section 3**.

Existing law establishes the Wildlife Account in the State General Fund and authorizes the Department, with certain exceptions, to use the money in the Wildlife Account to carry out certain provisions of existing law relating to wildlife. (NRS 501.356) Section 1 of this bill : (1) provides that the Department is authorized to use the money in the Wildlife Account under the direction of the Board of Wildlife Commissioners; and (2) makes a conforming change relating to section 1 to provide that money received by the Department for the Nevada Wildlife Conservation Program Account is not required to be deposited in the Wildlife Account in the State General Fund.

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

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

- (a) The sale of licenses;
- (b) Fees described in NRS 278.337;
- (c) Fees pursuant to the provisions of NRS 488.075 and 488.1795;
- (d) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;
- (e) Appropriations made by the Legislature; and
- (f) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, *the Nevada Wildlife Conservation Program Account pursuant to section 3 of this act*, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

↪ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department, ***under the direction of the Commission***, may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250, 502.410 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the protection, propagation and management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *The Nevada Wildlife Conservation Program is hereby established to support the preservation, protection, management and restoration of wildlife and wildlife habitats in this State. The Nevada Wildlife Conservation Program Account is hereby created in the State General Fund.*

2. *The Department shall administer the Program and shall take such actions as the Department determines are necessary to carry out the provisions of this section. The Department may contract with the Community Foundation of Northern Nevada to provide assistance in the administration of the Program including, without limitation, the collection of donations for the Program.*

3. *In addition to any direct legislative appropriation, the Department may apply for and accept any gift, grant, bequest, donation for deposit in the Account and use by the Program. The money in the Account must be used in accordance with any recommendations of the Board of the Nevada Wildlife Conservation Program created by section 4 of this act:*

(a) *To provide matching money required as a condition of any federal grant related to the preservation, protection, management and restoration of wildlife and wildlife habitats; or*

(b) *For the preservation, protection, management or restoration of wildlife and wildlife habitats.*

4. *A person that makes a donation to the Program may request to remain anonymous. The personal identifying information of such a person is confidential. As used in this subsection, “personal identifying information” has the meaning ascribed to it in NRS 205.4617.*

5. Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year. Claims against the Account must be paid as other claims against the State are paid.

6. The Department shall, on or before February 1 of each year, submit a report to the Interim Finance Committee concerning the Nevada Wildlife Conservation Program Account, including, without limitation:

(a) The number of donations and total value of each donation during the immediately preceding calendar year;

(b) The total amount of any grants of money received by the Department for deposit in the Account during the immediately preceding calendar year;

(c) The total amount of money received by the Program, the amount of money expended from the Account, and a description of each project for which the money was spent; and

(d) Any recommendations concerning legislation to improve the Program.

Sec. 4. 1. There is hereby created the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by section 3 of this act.

2. The Board consists of the following ~~five~~ three members:

(a) One member from a field related to the management of wildlife, appointed by the Governor;

~~(b) One member from a field related to the management of wildlife, appointed by the Majority Leader of the Senate;~~

~~(c) One member from a field related to the management of wildlife, appointed by the Speaker of the Assembly;~~

~~(d) One member with background in the management of rangeland or the management of wildlife, appointed by the Chair of the Commission; and~~

~~(e) (c) The Chair of the Commission or a member of the Commission appointed by the Chair.~~ (c) The Chair of the Commission or a member of the Commission appointed by the Chair.

3. Each member of the Board:

(a) Must be a resident of this State; and

(b) Serves a term of 2 years.

4. At its first meeting each year, the members of the Board shall elect a Chair, who shall serve until the next Chair is elected. The Board shall meet as necessary at the call of the Chair.

5. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

6. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem

allowance and travel expenses provided for state officers and employees generally.

Sec. 5. 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, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 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, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 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, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 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, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 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, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 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 3 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. 6. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time and ordered to third reading.

Assembly Bill No. 359.

Bill read second time and ordered to third reading.

Assembly Bill No. 372.

Bill read second time and ordered to third reading.

Assembly Bill No. 394.

Bill read second time and ordered to third reading.

Assembly Bill No. 411.

Bill read second time and ordered to third reading.

Assembly Bill No. 427.

Bill read second time and ordered to third reading.

Assembly Bill No. 437.

Bill read second time and ordered to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 448.

Bill read second time and ordered to third reading.

Assembly Bill No. 452.

Bill read second time and ordered to third reading.

Assembly Bill No. 454.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 119, 147, 208, 290, 299, and 349 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Monroe-Moreno moved that Assembly Bills Nos. 139, 295, 357, 427, 445, and 448 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Jauregui moved that Assembly Bills Nos. 21 and 188 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblywoman Dickman.

ASSEMBLYWOMAN DICKMAN:

Assembly Bill 104 authorizes a city that is incorporated by special charter, in addition to the number of legislative measures the city is authorized to request based on its population, to request not more than twice in any ten-year period one legislative measure for a regular session of the Legislature that proposes to amend the charter of the city. There are 13 charter cities in Nevada.

Roll call on Assembly Bill No. 104:

YEAS—38.

NAYS—Gray, McArthur, Newby—3.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 210 requires each contractor engaged on a public work to provide his or her workers with a written or electronic notice that sets forth the Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted; the name of the contractor; and the physical address of the principal place of business of the contractor. The contractor must receive and retain for at least two years an acknowledgement of receipt of the notice from each worker and make the notice available to the Labor Commissioner upon request.

Finally, the bill requires a person found to have willfully and repeatedly failed to pay the prevailing wage to pay an affected worker damages in an amount equal to the difference between the prevailing wages required to be paid and the wages the contractor or subcontractor actually paid to the affected worker.

The bill is effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks, and on January 1, 2024, for all other purposes.

Roll call on Assembly Bill No. 210:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, McArthur, O'Neill, Yurek—12.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 235 requires the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies.

Roll call on Assembly Bill No. 235:

YEAS—27.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 361 provides that if a department, institution, or agency of the Executive Branch of the state government is required to request the approval of the Interim Finance Committee to accept a grant from the federal government and revise a work program to implement the grant, then the entity may, upon submission of the application for the grant, request that the IFC [Interim Finance Committee] grant provisional approval to accept the grant and revise the work program. With this approval, the department, institution, or agency is not required to obtain additional approval from the IFC unless the actual amount of the grant or change to the work program exceeds the greater of the amount provisionally approved by the IFC, plus 10 percent; or the amount provisionally approved by the IFC, plus \$75,000.

Finally, the bill authorizes the IFC to consider such requests during a regular or special session of the Legislature.

Roll call on Assembly Bill No. 361:

YEAS—41.

NAYS—None.

EXCUSED—Bilbray-Axelrod.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 294.

AN ACT relating to information technology; clarifying the definition of the terms “cable service” and “video service”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “video service” for purposes of franchising and regulation of video service and video service providers as the provision of certain multichannel video programming, excluding: (1) any video content provided solely as part of, and through, a service which enables users access to certain content via the public Internet; (2) direct broadcast satellite service; and (3) any wireless multichannel video programming provided by a commercial mobile service provider. (NRS 711.141, 711.400) **Section 1.5** of this bill clarifies the definition of the term “video service” to mean the provision by a video service provider over a video service network of certain multichannel video programming provided by a video service provider, excluding: (1) certain video content accessed via the Internet, including streaming video content; (2) direct-to-home satellite services; and (3) any wireless multichannel video programming provided by a commercial mobile service provider.

Section 1 of this bill clarifies the definition of the term “cable service” to exclude any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the ~~Internet service~~ provider of the video content.

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

Section 1. NRS 711.025 is hereby amended to read as follows:

711.025 **1.** “Cable service” ~~has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.~~ **means:**

(a) *The one-way transmission to subscribers of video programming or other programming service; and*

(b) *Any interaction with subscribers which is required for the selection or use of such video programming or other programming service.*

2. *The term does not include any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the ~~Internet service~~ provider of the video content.*

Sec. 1.5. NRS 711.141 is hereby amended to read as follows:

711.141 **1.** “Video service” means the provision ***by a video service provider over a video service network*** of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

(a) Cable service; and

(b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content ~~[provided solely as part of, and through,]~~, **including, without limitation, streaming video content, accessed via** a service ~~[which]~~ **that** enables users to access content, information, electronic mail or other services that are offered via the ~~[public]~~ Internet ~~[,]~~, **regardless of the ~~[Internet service] provider~~ of the video content.**

(b) ~~[Direct broadcast]~~ **Direct-to-home** satellite ~~[service.]~~ **services, which distribute or broadcast programming or services by satellite directly to the subscriber's residence without the use of** ~~— (1) Ground—~~ **ground receiving or distribution equipment, except at the subscriber's residence or in the uplink process to the satellite. ~~[, and]~~** ~~[(2) A public right of way.]~~

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Gurr requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GURR:

I would like to clarify my vote on Assembly Joint Resolution 5. I was looking at something else and my finger hit the wrong button. By the time I realized it, the roll had already been closed. I am a definite no on AJR 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Shawina Tims.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Jade Hawkins and Rebecca Haile.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Alana Bilbro and Lanya Sanders.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Canestrini, Glenda Gilmore, and Stephanie Hanzik.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Sage Tuggle and Xander Gallant.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Duane Campbell.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Dupree, Josie Hatem, and Tatiana Hatem.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Robie, Carol Del Carlo, and Danielle Bell.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Trenna Smith.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Aniyah Wesley, Danette McFarland, and Destani Miles.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Fiona Odili and Marsiah LeBlanc.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Kash Williams and Ziani Caldwell.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Callahan and Reina Stevenson.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Torres.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Jalah Farris and Makayla Garder.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Jerell Taylor and Kalyn Logan.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Adams and Sky Feldmeier.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Tacarra Shelton.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Dominick Lemele and Khila Davis.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, April 19, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly